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TITLE 3—THE PRESIDENT PROCLAMATION 2912

TERMINATING IN PART THE PROCLAMATION OF DECEMBER 16, 1947, SO AS TO GIVE EFFECT TO THE WITHDRAWAL OF TARIFF CONCESSIONS WITH RESPECT TO CERTAIN FUR FELT HATS AND HAT BODIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION

1. WHEREAS (pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended by section 1 of the act of June 12, 1934, by the joint resolution approved June 7, 1943, and by sections 2 and 3 of the act of July 5, 1945 (ch. 474, 48 Stat. 943; ch. 118, 57 Stat. 125; ch. 269, 59 Stat. 410, 411), the period for the exercise of the authority under the said section 350 having been extended by section 1 of the said act of July 5, 1945 until the expiration of three years from June 12, 1945), on October 30, 1947, I entered into a trade agreement with the Governments of the Commonwealth of Australia, the Kingdom of Belgium, the United States of Brazil, Burma, Canada, Ceylon, the Republic of Chile, the Republic of China, the Republic of Cuba, the Czechoslovak Republic, the French Republic, India,

Lebanon, the Grand Duchy of Luxemburg, the Kingdom of the Netherlands, New Zealand, the Kingdom of Norway, Pakistan, Southern Rhodesia, Syria, the Union of South Africa, and the United Kingdom of Great Britain and Northern Ireland, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment which authenticated the texts of the said General Agreement and the said Protocol (61 Stat. (Parts 5 and 6) A7, A11, and A2051);

2. WHEREAS, by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), I proclaimed such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States of America as were then found to be required or appropriate to carry out the said trade agreement specified in the first recital of this proclamation on and after January 1, 1948;

3. WHEREAS item 1526 (a) in Part I of Schedule XX annexed to the said General Agreement reads as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
1526 (a).....	Hats, caps, bonnets, and hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals:	
	Valued at not more than \$12 per dozen.....	55% ad val., but not less than \$1.25 per doz.
	Valued at more than \$12 and not more than \$18 per dozen.....	47½% ad val.
	Valued at more than \$18 and not more than \$30 per dozen.....	40% ad val.
	Valued at more than \$30 per dozen.....	\$8 per doz. and 12½% ad val.
	Provided, That none of the foregoing shall be subject to any additional duty under the last clause in paragraph 1526(a), Tariff Act of 1930.	

4. WHEREAS Article XIX of the said General Agreement provides as follows:

1. (a) If, as a result of unforeseen developments and of the effect of the obligations incurred by a contracting party under this Agreement, including tariff concessions, any product is being imported into the territory of that contracting party in such increased quantities and under such conditions as to

cause or threaten serious injury to domestic producers in that territory of like or directly competitive products, the contracting party shall be free, in respect of such product, and to the extent and for such time as may be necessary to prevent or remedy such injury, to suspend the obligation in whole or in part or to withdraw or modify the concession.

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(b) If any product, which is the subject of a concession with respect to a preference, is being imported into the territory of a contracting party in the circumstances set forth in sub-paragraph (a) of this paragraph, so as to cause or threaten serious injury to domestic producers of like or directly competitive products in the territory of a contracting party which receives or received such preference, the importing contracting party shall be free, if that other contracting party so requests, to suspend the relevant obligation in whole or in part or to withdraw or modify the concession in respect of the product, to the extent and for such time as may be necessary to prevent or remedy such injury.

2. Before any contracting party shall take action pursuant to the provisions of paragraph 1 of this Article, it shall give notice in writing to the CONTRACTING PARTIES as far in advance as may be practicable and shall afford the CONTRACTING PARTIES and those contracting parties having a substantial interest as exporters of the product concerned an opportunity to consult with it in respect of the proposed action. When such notice is given in relation to a concession with respect to a preference, the notice shall name the contracting party which has requested the action. In critical circumstances, where delay would cause damage which it would be difficult to repair, action under paragraph 1 of this Article may be taken provisionally without prior consultation, on the condition that consultation shall be effected immediately after taking such action.

3. (a) If agreement among the interested contracting parties with respect to the action is not reached, the contracting party which proposes to take or continue the action shall, nevertheless, be free to do so, and if such action is taken or continued, the affected contracting parties shall then be free, not later than ninety days after such action is taken, to suspend, upon the expiration of thirty days from the day on which written notice of such suspension is received by the CONTRACTING PARTIES, the application to the trade of the contracting party taking such action, or, in the case envisaged in paragraph 1 (b) of this Article, to the trade of the contracting party requesting such action, of such substantially equivalent obligations or concessions under this Agreement the suspension of which the CONTRACTING PARTIES do not disapprove.

(b) Notwithstanding the provisions of sub-paragraph (a) of this paragraph, where action is taken under paragraph 2 of this Article without prior consultation and causes or threatens serious injury in the territory of a contracting party to the domestic producers of products affected by the action, that contracting party shall, where delay would cause damage difficult to repair, be free to suspend, upon the taking of the action and throughout the period of consultation, such obligations or concessions as may be necessary to prevent or remedy the injury.

5. WHEREAS, pursuant to the said proclamation of December 16, 1947, the rates of duty which have been applied to products described in the said item 1526 (a) in Part I of the said Schedule XX entered, or withdrawn from warehouse, for consumption since January 1, 1948, have been the rates of duty specified in the column at the right of the said description of products;

6. WHEREAS, pursuant to paragraph 13 of Executive Order 10082, dated October 5, 1949 (14 F. R. 6105, 6107), the United States Tariff Commission has made an investigation to determine whether, as a result of unforeseen developments and of the concessions granted in the said trade agreement specified in the first recital of this proclamation with respect to hats, caps, bonnets, and hoods, for women's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for women's hats or bonnets, composed wholly or in chief value of fur felt, described in the said item 1526 (a) of Part I of the said Schedule XX, such products are being imported in such relatively increased quantities and under such conditions as

to cause or threaten serious injury to the domestic industry producing like or directly competitive products;

7. WHEREAS in the course of its investigation, after due notice, a public hearing was held by the Tariff Commission at which parties interested were given opportunity to be present, to produce evidence, and to be heard;

8. WHEREAS the Tariff Commission has made findings of fact and has transmitted to me a report of its findings and has recommended for my consideration in the light of the public interest the withdrawal in whole of the tariff concessions granted in the said General Agreement with respect to hats, caps, bonnets, and hoods, for women's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for women's hats or bonnets, composed wholly or in chief value of fur felt, and valued at more than \$9 and not more than \$24 per dozen, described in the said item 1526 (a) of Part I of the said Schedule XX;

9. WHEREAS notice and opportunity to consult have been given to contracting parties to the said General Agreement in accordance with paragraph 2 of Article XIX of the said Agreement, and I have determined, in the light of the public interest, to withdraw the tariff concessions granted in the said General Agreement with respect to the products referred to in the eighth recital of this proclamation, in accordance with the provisions of the said Article XIX of the said General Agreement, effective December 1, 1950;

10. AND WHEREAS the said section 350 (a) of the Tariff Act of 1930, as amended, authorizes the President to terminate in whole or in part any proclamation carrying out a trade agreement entered into under such section;

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including the said section 350 of the Tariff Act of 1930, as amended, do hereby proclaim that the said proclamation of December 16, 1947, is hereby terminated in part to the extent that, on and after December 1, 1950, it shall be applied as though item 1526 (a) in Part I of Schedule XX of the said General Agreement were stated as follows:

Tariff Act of 1930, paragraph	Description of products	Rate of duty
1526 (a).....	Hats, caps, bonnets, and hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals (except any of the foregoing hats, caps, bonnets, and hoods, for women's wear, including bodies, hoods, plateaux, forms, or shapes, for women's hats or bonnets, composed wholly or in chief value of fur felt, and valued at more than \$9 and not more than \$24 per dozen):	
	Valued at not more than \$12 per dozen.....	55% ad val., but not less than \$1.25 per doz.
	Valued at more than \$12 and not more than \$18 per dozen.....	47½% ad val.
	Valued at more than \$18 and not more than \$30 per dozen.....	40% ad val.
	Valued at more than \$30 per dozen.....	\$8 per doz. and 12½% ad val.
	Provided, That no article provided for above shall be subject to any additional duty under the last clause in paragraph 1526 (a), Tariff Act of 1930.	

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of October in the year of our Lord nineteen hundred and [SEAL] fifty, and of the Independence of the United States of America the one hundred and seventy-fifth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-9894; Filed, Nov. 2, 1950;
4:49 p. m.]

RULES AND REGULATIONS

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

SELECTIVE SERVICE SYSTEM

Under authority of § 6.1 (a) of Executive Order 9830, and at the request of the Selective Service System, the Commission has determined that the position of Executive Secretary to the National Advisory Committee on the Selection of Doctors, Dentists, and Allied Specialists, and such technical advisors to the Committee as may be necessary, should be excepted from the competitive service. Effective upon publication in the FEDERAL REGISTER, § 6.144 is amended by the addition of paragraph (d) as follows:

§ 6.144 *Selective Service System.*

(d) NC/PD. Until January 1, 1953, the following positions in the National Advisory Committee on the Selection of Doctors, Dentists, and Allied Specialists: One Executive Secretary; professional advisors in the fields of medicine, dentistry, veterinary medicine, and related fields.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 9830, Feb. 24, 1947, 12 F. R. 1259; 3 CFR, 1947 Supp. E. O. 9973, June 28, 1948, 13 F. R. 3600; 3 CFR, 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] HARRY B. MITCHELL,
Chairman.

[F. R. Doc. 50-9791; Filed, Nov. 3, 1950;
8:46 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; INDIANA

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as

amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

County	Average value	Investment limit
Adams.....	\$17,000	\$12,000
Allen.....	18,000	12,000
Bartholomew.....	18,000	12,000
Blackford.....	16,000	12,000
Brown.....	12,000	12,000
Clark.....	14,000	12,000
Crawford.....	10,000	10,000
Dearborn.....	12,000	12,000
Decatur.....	18,000	12,000
Delaware.....	20,000	12,000
Dubois.....	12,000	12,000
Fayette.....	18,000	12,000
Franklin.....	12,000	12,000
Gibson.....	18,000	12,000
Grant.....	20,000	12,000
Hancock.....	20,000	12,000
Harrison.....	12,000	12,000
Hendricks.....	18,000	12,000
Henry.....	20,000	12,000
Howard.....	22,000	12,000
Huntington.....	17,000	12,000
Jackson.....	15,000	12,000
Jay.....	15,000	12,000
Jefferson.....	12,000	12,000
Johnson.....	20,000	12,000
Knox.....	19,000	12,000
Madison.....	20,000	12,000
Marion.....	20,000	12,000
Miami.....	18,000	12,000
Morgan.....	16,000	12,000
Ohio.....	12,000	12,000
Orange.....	12,000	12,000
Posey.....	16,000	12,000
Pulaski.....	16,000	12,000
Randolph.....	18,000	12,000
Ripley.....	12,000	12,000
Rush.....	22,000	12,000
Scott.....	11,000	11,000
Shelby.....	20,000	12,000
Stark.....	15,000	12,000
Switzerland.....	12,000	12,000
Union.....	17,000	12,000
Wabash.....	18,000	12,000
Warrick.....	12,000	12,000
Wayne.....	18,000	12,000
Wells.....	17,000	12,000
Whitley.....	16,000	12,000

(Sec. 41, 50 Stat. 529, as amended; 7 U. S. C. and Sup., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, as amended, 1069; 7 U. S. C. and Sup., 1003, 1018)

Issued this 31st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9805; Filed, Nov. 3, 1950;
8:47 a. m.]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; VERMONT

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units and investment limits for the counties identified below are determined to be as herein set forth. The average values and investment limits heretofore established for said counties, which appear in the tabulations of average values and

investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average values and investment limits set forth below for said counties.

VERMONT		
County	Average value	Investment limit
Caledonia.....	\$10,000	\$10,000
Franklin.....	10,000	10,000
Washington.....	10,000	10,000
Windsor.....	10,000	10,000

(Sec. 41, 50 Stat. 529, as amended; 7 U. S. C. and Sup., 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, as amended, 1069; 7 U. S. C. and Sup., 1003, 1018)

Issued this 31st day of October 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9806; Filed, Nov. 3, 1950;
8:48 a. m.]

Subchapter C—Production and Subsistence Loans

PART 343—PROCESSING

LOANS FROM FUNDS PROVIDED BY SUPPLEMENTAL APPROPRIATION ACT, 1951

Part 343 in Title 6, Code of Federal Regulations (14 F. R. 4971), is amended to add § 343.7 to read as follows:

§ 343.7 *Loans under Supplemental Appropriation Act, 1951—(a) General.* Under the Supplemental Appropriation Act, 1951, \$18,000,000 was made available to the Farmers Home Administration for the purpose of making Production and Subsistence loans to farmers and stockmen who have suffered production disasters in areas designated by the Secretary of Agriculture pursuant to Public Law 38 (81st Congress).

(b) *Use of funds.* (1) As long as funds are available to a State from the Supplemental Appropriation Act, 1951 such funds will be used until exhausted for making loans to all applicants who are eligible and can qualify for both Disaster loans and Production and Subsistence Loans. Such loans may be made only in designated disaster areas in the following situations:

(i) When the applicant suffered a production disaster in connection with his 1950 or 1951 farming operations whether or not he has been financed previously by the Farmers Home Administration; or

(ii) When the applicant is indebted on a Disaster loan made because of a production disaster suffered in connection with his 1949 farming operations and additional credit is required to protect the Government's interest in such loan; or

(iii) When the applicant suffered a bona fide production disaster in his 1949 farming operations, is indebted on a Production and Subsistence loan made to finance his 1950 operations and additional assistance is required to protect the Government's interest in such loan.

(2) Funds available from the revolving fund under Public Law 38 will be used for making loans to applicants who

are eligible and can qualify for Disaster loans, but are not eligible and cannot qualify for Production and Subsistence loans.

(c) *Loan policies and requirements.* The policies and requirements prescribed in Part 342 of this chapter for making Production and Subsistence loans, either adjustment or annual, are applicable in their entirety to Production and Subsistence loans made under the provisions of this section except as modified or supplemented below.

(i) *Eligibility and certifications.* Only those farmers and stockmen who are eligible for Disaster loans under Part 381 of this chapter and who are eligible also for Production and Subsistence loans under Part 342 of this chapter are eligible to receive loans pursuant to this section.

(i) *Certifications by applicant.* In addition to the certifications required by § 342.2 (b), of this chapter, the applicant must certify that he has suffered substantial damage as a result of a production disaster before a loan may be made pursuant to this section.

(ii) *Certifications by county committee.* In addition to the certifications required by § 342.2 (c) of this chapter, the County Committee must certify that, to the best of its knowledge and belief, the applicant has suffered substantial damage as a result of a production disaster.

(2) *Loan purposes.* When an annual loan is made pursuant to this section, funds may not be advanced for the payment of cash rent.

(3) *Subordination by landlord.* When an annual loan is made pursuant to this section to a non-owner operator for the production of cash crops, the landlord will be required to subordinate to the Government all of his interests in such crops, including his claim for rent. At the discretion of the loan approving official, however, this requirement may be waived with respect to the landlord's claim for reasonable and customary share rent for the current year as provided for in a written lease or as evidenced by memorandum on Form FHA-32, "Subordination Agreement," or similar form.

(4) *Arrangements with other creditors.* Debts owned by an applicant may be refinanced only in strict accordance with the applicable provisions of Part 342 of this chapter. When other debts owed by an applicant are likely to jeopardize his farming operations, necessary non-disturbance or similar agreements with the other creditors will be obtained before the loan is approved to provide for the retention of property essential for continued operations over a sufficient period of time to protect the interests of the Government.

(d) *Loan processing.* Production and Subsistence loans made pursuant to this section will be processed in accordance with the provisions of §§ 343.1 to 343.6 except as provided below.

(1) *Form FHA-49, "Certifications—Production and Subsistence Loans."* In order to assist the County Committee and County Supervisor in determining whether an applicant is eligible for a loan under this section, a description of

the production disaster which has occurred and detailed information concerning the damage suffered by the applicant as a result thereof will be entered on the reverse of Form FHA-49, or on a separate sheet attached thereto. Where crop or livestock losses are involved, information will be included to show how the production actually received compares with normal production. The wording of Form FHA-49 will be changed as follows before it is executed by the applicant and the County Committee.

(i) The words, "I further certify that I have suffered substantial damage as a result of a production disaster," will be added as the last sentence of the first paragraph of the certification by the applicant.

(ii) The words, "We also certify that to the best of our knowledge and belief, the above applicant has suffered substantial damage as a result of a production disaster," will be added as the last sentence of the certification by the County Committee.

(R. S. 161, sec. 41, 60 Stat. 1066; 5 U. S. C. 22, 7 U. S. C. 1015. Interprets or applies sec. 21, 60 Stat. 1072, sec. 2, 63 Stat. 44, Public Law 843, 81st Cong.; 7 U. S. C. 1007, 12 U. S. C. (Sup.) 1148a-2)

DERIVATION: § 343.7 contained in Administration Letter 169, dated October 11, 1950.

Dated: October 11, 1950.

[SEAL] DILLARD B. LASSETER,
Administrator,
Farmers Home Administration.

Approved: October 31, 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9807; Filed, Nov. 3, 1950;
8:50 a. m.]

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases, and Other Operations

[1950 CCC Peanut Bulletin 721 (Peanuts 1950)—2]

PART 646—PEANUTS

SUBPART—1950 CROP PEANUT PRICE SUPPORT PROGRAM

Sec.	
646.261	Applicability of §§ 646.261 to 646.266.
646.262	Definitions.
646.263	Determination of producer's share of the farm allotment, farm peanut acreage and the 1947 farm peanut acreage.
646.264	Time of determining producers' shares of farm allotment, farm peanut acreage, and the 1947 farm peanut acreage.
646.265	Compliance requirements.
646.266	Knowingly contributing to excess production.

AUTHORITY: §§ 646.261 to 646.266 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. sup., 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054, sec. 359, 55 Stat. 90, as amended; 15 U. S. C. 714b, 7 U. S. C. Sup., 1441, 1421, 1359.

§ 646.261 *Applicability of §§ 646.261 to 646.266.* Sections 646.261 to 646.266 shall govern the eligibility, under the 1950 crop peanut price support operations, of producers who have an interest in the peanuts produced on more than one farm insofar as compliance with eligibility requirements with respect to farm allotments and 1947 farm peanut acreage is concerned. Other eligibility requirements with respect to both producers and peanuts are contained in the 1950 CCC Peanut Bulletin 721 (Peanuts 1950) 1—1, § 646.201 et seq.

§ 646.262 *Definitions.* As used in §§ 646.261 to 646.266 the words and phrases used herein have the meaning assigned to them in § 729.141 of the marketing quota regulations for the 1950 crop of peanuts (15 F. R. 4739).

§ 646.263 *Determination of producer's share of the farm peanut acreage, farm allotment, and 1947 farm peanut acreage.* The farm peanut acreage, the farm allotment, and the 1947 farm peanut acreage (or the farm peanut acreage and one acre, if the farm allotment and the 1947 farm peanut acreage are each less than one acre) shall be divided according to each producer's share in the 1950 farm peanut acreage. If the farm peanut acreage is zero, the farm allotment and the 1947 farm peanut acreage (or one acre, if the farm allotment and the 1947 farm peanut acreage are each less than one acre) shall be divided as determined by the county committee using as a guide the leasing agreement, usual leasing agreements in the locality, or judgment as to what division would have been made had peanuts been picked or threshed on the farm in 1950.

§ 646.264 *Time of determining producers' shares of farm peanut acreage, farm allotment, and 1947 farm peanut acreage.* The producers' shares in the farm peanut acreage, the farm allotment, and the 1947 farm peanut acreage (or in the farm peanut acreage and one acre, if the farm allotment and the 1947 farm peanut acreage are each less than one acre), for the purpose of determining multiple compliance under this bulletin, shall be computed on the basis of the producers' interest in the farm peanut acreage at the time when the picking or threshing of peanuts on the farm is begun.

§ 646.265 *Compliance requirements.* A producer is not eligible for price support on any peanuts produced by him if the county committee determines that he knowingly contributed to the production of peanuts in excess of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage for one or more farms to such an extent as to offset his contribution to the adjustment of production on other farms.

The county committee determination as to whether a producer knowingly contributed to the excess production of peanuts on a farm shall be made in accordance with the applicable paragraph (a) or (b) of this section.

(a) *Where picking and threshing was completed after notice of excess planted acreage was received.* If the notice of planted acreage was received by the operator before the picking and thresh-

ing of peanuts from the farm was completed, each producer on the farm shall be considered to have knowingly contributed to the excess production of peanuts unless—

(1) He proves to the satisfaction of the county committee that the excess production resulted because of a bona fide mistake as to the number of fields, or the number of acres in the fields, devoted to peanuts, or

(2) He proves to the satisfaction of the county committee that the excess was produced without his knowledge and consent; or, if produced with his knowledge but without his consent, he satisfactorily proves that he made every reasonable effort to prevent the excess production.

A favorable determination under (1) or (2) of this paragraph for one producer does not excuse other producers on the farm.

(b) Where picking and threshing was completed before notice of excess planted acreage was received. If the notice of planted acreage was received by the operator after the picking and threshing of peanuts on the farm was completed, the producer on the farm shall not be considered to have knowingly contributed to excess production if the county committee determines that the excess resulted notwithstanding an honest effort on the part of the producers to stay within the largest of the farm allotment, one acre, or the 1947 farm peanut acreage. In making this determination, the county committee shall taken into consideration the relative extent of the excess as compared with the size of the farm allotment and the 1947 farm peanut acreage, whether the county committee was requested to predetermine the acreage to be dug or left, and any other circumstances in the individual case which caused the excess production. If a favorable determination for the farm is not made by the county committee as heretofore provided in this paragraph, each producer on the farm shall be considered to have knowingly contributed to the excess production of peanuts unless the county committee finds that he should be excused on the basis of proof submitted as provided in (1) or (2) of paragraph (a) of this section.

§ 646.266 *Knowingly contributing to excess production.* A producer's permitted acreage share on a farm shall be his share of the largest of the farm allotment, one acre, or the 1947 farm peanut acreage. If the county committee determines in accordance with § 646.265 that a producer having an interest in the peanuts produced on more than one farm knowingly contributed to the excess production of peanuts on a farm, and if the sum of the farm peanut acreage shares for such producer is larger than the sum of his permitted acreage shares, he shall be considered to have knowingly contributed to the excess production of peanuts to such an extent as to offset his contribution on other farms to the adjustment of production. Such a producer is not eligible for price support on peanuts produced by him on any farm.

Done at Washington, D. C., this 1st day of November 1950. Witness my

hand and the seal of the Department of Agriculture.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9854; Filed, Nov. 3, 1950;
8:51 a. m.]

[Amdt. 2]

PART 648—POTATOES, IRISH

SUBPART—1950 IRISH POTATO PRICE SUPPORT PROGRAM

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration (15 F. R. 3605, 4779) containing the requirements with respect to the 1950 Irish Potato Price Support Program are hereby amended as follows:

In § 648.218, *Support prices for eligible Irish potatoes of the 1950 crop*, paragraph (a), is revised to read as follows:

(a) No price support will be furnished in the following areas on the 1950 crop of Irish potatoes because of growers' disapproval of marketing orders submitted for their approval.

(1) The State of California (except Modoc and Siskiyou Counties) (15 F. R. 3466).

(2) The counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, Kearney, Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln in the State of Nebraska, and the counties of Goshen, Laramie, Platte, Albany, Converse, Niobrara, Natrona, Johnson, Sheridan, Washakie, Big Horn, Park, Hot Springs, and Fremont in the State of Wyoming (15 F. R. 5102, 6934).

(3) The State of New York (15 F. R. 4230, 6257).

(4) The State of Pennsylvania (15 F. R. 6551).

(5) The State of Delaware and the counties of Worcester, Somerset, Wicomico, Dorchester, Talbot, Caroline, Queen Annes, Kent, and Cecil in the State of Maryland (15 F. R. 3985).

In § 648.218, paragraph (b), is amended by the addition of the following to the table contained therein.

[Dollars per hundredweight]

State and area	1950						1951					
	October	November	December	January	February	March ^a	October	November	December	January	February	March ^a
Wyoming ^b	1.45	1.55	1.65	1.75	1.85	1.90	1.55	1.65	1.75	1.85	1.95	2.00
Nebraska ^c	1.35	1.45	1.55	1.65	1.75	1.80	1.45	1.55	1.65	1.75	1.85	1.90
New Hampshire	1.35	1.45	1.55	1.65	1.75	1.85	1.45	1.55	1.65	1.75	1.85	1.90
Vermont	1.35	1.45	1.55	1.65	1.75	1.85	1.45	1.55	1.65	1.75	1.85	1.90
Massachusetts	1.65	1.75	1.85	1.95	2.05	2.10	1.75	1.85	1.95	2.05	2.15	2.20
Rhode Island	1.65	1.75	1.85	1.95	2.05	2.10	1.75	1.85	1.95	2.05	2.15	2.20
Connecticut	1.65	1.75	1.85	1.95	2.05	2.10	1.75	1.85	1.95	2.05	2.15	2.20
Indiana	1.45	1.55	1.65	1.75	1.85	1.90	1.55	1.65	1.75	1.85	1.95	2.00
Iowa	1.25	1.35	1.45	1.55	1.65	1.70	1.35	1.45	1.55	1.65	1.75	1.80
Maryland, Western ^d	1.65	1.75	1.85	1.95	2.05	2.10	1.75	1.85	1.95	2.05	2.15	2.20

^a Prices shown for March are applicable through Apr. 30, 1951, or such later dates as subsequently are established for each State or area.

^b All counties west of the Susquehanna River and Chesapeake Bay.

^c Counties of Campbell, Crook, Weston, and counties west of Albany, Fremont, and Park.

^d All counties except Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Daw-

son, Kearney, Sioux, Scotts Bluff, Banner, Kimball, Cheyenne, Morrill, Box Butte, Dawes, Sheridan, Garden, Deuel, Keith, and Lincoln.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup., 714b. Interprets or applies sec. 201, 63 Stat. 1053, sec. 3, Pub. Law 471, 81st Cong.; 7 U. S. C. Sup., 1446)

Issued this 1st day of November 1950.

[SEAL]

JOHN H. DEAN,
Acting Vice President,
Commodity Credit Corporation.

Approved:

RALPH S. TRIGG,
President,
Commodity Credit Corporation.

[F. R. Doc. 50-9853; Filed, Nov. 3, 1951;
8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER UNITED STATES COTTON FUTURES ACT

BONA FIDE SPOT MARKETS

On August 22, 1950, there was published in the FEDERAL REGISTER (15 F. R. 5618) a notice of the proposed amendment of §§ 27.93 and 27.94 (7 CFR and 1949 Supp. 27.93 and 27.94) under the Cotton Futures Act of August 11, 1916, as amended (39 Stat. 476, as amended; 53 Stat. 210; 26 U. S. C. 1920-1935). After due consideration of all relevant matters presented pursuant to the notice and under the authority of said act, § 27.93 is hereby amended by deleting Savannah, Georgia from the list of bona fide spot markets set forth in said section, and § 27.94 (b) is hereby amended by deleting Savannah, Georgia from, and adding Atlanta, Georgia to, the list of spot markets, for certain determinations only, set forth in said section.

The foregoing amendments shall become effective 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 31st day of October 1950.

(39 Stat. 476, 40 Stat. 1351, 41 Stat. 725, 44 Stat. 1248; 26 U. S. C. 1920-1935)

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9804; Filed, Nov. 3, 1950;
8:50 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[1061 (P. R. 51)-1]

PART 702—SPECIAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951—PUERTO RICO

The intent of the 1951 Agricultural Conservation Program for Puerto Rico (hereinafter referred to as the 1951 program) is to obtain the greatest possible conservation with available funds, and

to assist farmers in increasing conservation activities on their farms.

Assistance will be given to farmers carrying out conservation practices under the 1951 program in accordance with the provisions contained herein and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

- Sec.
702.101 Maximum farm payment.
702.102 Adjustments.
702.103 Allocation.

APPROVAL OF CONSERVATION PRACTICES

- 702.106 Basis for approval of practices.
702.107 State office approval.
702.108 Payment.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

- 702.111 Practice 1: Applying ground limestone, or its equivalent, to farm land except coffee groves.
702.112 Practice 2: Applying superphosphate (P_2O_5) as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to permanent pasture of the varieties specified in § 702.118.
702.113 Practice 3: Applying muriate of potash (K_2O) as such, or contained in mixed fertilizer, to permanent pasture of the varieties specified in § 702.118.
702.114 Practice 4: Applying to coffee trees fertilizer of grades approved for coffee by the Insular Department of Agriculture.
702.115 Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.
702.116 Practice 6: Applying coarsely shredded pineapple plants to pineapple fields.
702.117 Practice 7: Planting sweetpotatoes as a cover crop immediately after tobacco is harvested.
702.118 Practice 8: Establishing permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.
702.119 Practice 9: Brushing pasture.
702.120 Practice 10: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.
702.121 Practice 11: Planting fruit trees for erosion control.
702.122 Practice 12: Planting adapted trees or shrubs for windbreaks, gully control, or forest purposes.
702.123 Practice 13: Establishing stripcropping.
702.124 Practice 14: Establishing permanent grasses or legumes in natural waterways.
702.125 Practice 15: Constructing continuous terraces for protection against erosion.
702.126 Practice 16: Establishing an adequate system of ditches to carry surface run-off water on land of 10 percent or more slope in coffee groves or planted to intertilled crops except sugarcane.
702.127 Practice 17: Constructing open farm drainage ditches or protecting dikes.
702.128 Practice 18: Constructing diversion ditches for the protection of cultivated fields against the inflow of run-off water from other areas.
702.129 Practice 19: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.

- Sec.
702.130 Practice 20: Planting vegetative barriers on land of 10 percent or more slope.
702.131 Practice 21: Constructing protected outlet channels for carrying run-off water from ditches and terrace systems.

PAYMENTS

- 702.141 Division of payment.
702.142 Increase in small payments.
702.143 Payments limited to \$2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

- 702.146 Failure to maintain practices under previous programs.
702.147 Practices defeating purposes of programs.
702.148 Depriving others of payment.
702.149 Failure to carry out approved erosion-control measures.
702.150 Filing of false claims.
702.151 Misuse of purchase orders.
702.152 Payment computed and made without regard to claims.
702.153 Assignments.
702.154 Practices carried out with State or Federal aid.

APPLICATIONS FOR PAYMENT

- 702.161 Persons eligible to file applications.
702.162 Time and manner of filing applications and information required.

APPEALS

- 702.166 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

- 702.171 Bulletins, instructions, and forms.

DEFINITIONS

- 702.176 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

- 702.181 Authority.
702.182 Availability of funds.
702.183 Applicability.

AUTHORITY: §§ 702.101 to 702.183 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. and Sup., 590g-590q.

CONTROL OF FUNDS

§ 702.101 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 702.102 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably, except that payment will be made in full for fertilizer furnished by the ACP Branch under a purchase order for carrying out the practice contained in § 702.114.

§ 702.103 *Allocation.* The amount of funds available for conservation practices under this program is \$991,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 702.142.

APPROVAL OF CONSERVATION PRACTICES

§ 702.106 *Basis for approval of practices.* Practices included in §§ 702.111 to 702.131 are only those which maintain or increase soil fertility, control or prevent soil erosion caused by water, encourage conservation and better agricultural use of water, or conserve and

increase range and pasture forage, and which will not be carried out in desired volume on the basis of relative conservation needs unless assistance is given therefor.

§ 702.107 *State office approval.* Prior approval of the State office is required for the practices contained in §§ 702.119 to 702.131. Such approval shall be conditioned upon carrying out the practices under the supervision of persons designated by the State office.

§ 702.108 *Payment.* Payment will be made at the rates specified and within the limitations set forth in §§ 702.111 to 702.131 for carrying out during the calendar year 1951 any of the conservation practices enumerated in such sections.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 702.111 *Practice 1: Applying ground limestone, or its equivalent, to farm land except coffee groves.* (a) Payment for the tonnage of ground limestone applied per acre is conditioned on pH determination of the soil as follows:

(1) If the determination shows pH of 5.2 or less, payment will be made for the application of up to 2 tons per acre.

(2) If the determination shows pH of more than 5.2 but not more than 5.8, payment will be made for the application of up to 1 ton per acre.

(3) If the determination shows pH of more than 5.8, no payment will be made.

(b) Receipts or invoices showing the purchase and calcium carbonate content of the limestone applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection, together with a copy of the certificate of pH determination issued by the Extension Service or any other agency deemed qualified for this purpose by the State office.

Maximum assistance. \$3.50 per ton of ground limestone containing at least 80 percent calcium carbonate equivalent.

§ 702.112 *Practice 2: Applying superphosphate (P_2O_5) as such, or contained in mixed fertilizer having an available phosphoric acid content of not less than 6 percent, to permanent pasture of the varieties specified in § 702.118.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

Maximum assistance. \$0.05 per pound of available P_2O_5 .

§ 702.113 *Practice 3: Applying muriate of potash (K_2O) as such, or contained in mixed fertilizer, to permanent pasture of the varieties specified in § 702.118.* Receipts or invoices showing the purchase and analysis of the fertilizer applied, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

Maximum assistance. \$0.025 per pound of available K_2O .

§ 702.114 *Practice 4: Applying to coffee trees fertilizer of grades approved for*

coffee by the Insular Department of Agriculture. (a) The fertilizer must be applied to coffee trees on a coffee farm on (1) the 1951 designated parcel on which terraces or catch pits were constructed in 1947, 1948, 1949, 1950, or 1951, or (2) the 1950 designated parcel on which terraces or catch pits have been constructed, the coffee trees were properly pruned and thinned, and the forest litter was properly maintained. The terraces and catch pits must have been constructed in accordance with specifications approved by the State office and must be maintained during 1951 in accordance with specifications approved by the State office. No payment will be made under this practice for the application of fertilizer for which the Insular Government makes payment under any other program. No payment will be made for fertilizer applied in excess of 600 pounds per cuerda. To be eligible for payment, the farmer must properly prune and thin the coffee trees on the designated parcel, maintain thereon the accumulated forest litter (including grass), removing only such portion thereof as may be necessary to facilitate harvesting operations, and meet such other standards as may be required by the State office. Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished by the ACP Branch as provided below), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) In order to facilitate the financing of the purchase of fertilizers for this practice only (not for the practices contained in §§ 702.112 and 702.113), these conservation materials may be furnished, on purchase orders, by the ACP Branch to producers for carrying out this practice. Materials may not be furnished to producers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its right to set-off in order to permit the furnishing of materials.

(c) Title to any materials distributed by the ACP Branch shall vest in the ACP Branch until the material is applied or all charges for the material are satisfied.

(d) The producer shall pay that part of the cost of the material, as established by the ACP Branch, which is in excess of the credit for the use of the material in carrying out approved practices. The small payment increase on an amount equivalent to the credit value of properly used conservation materials may be advanced as a credit against that part of the cost required to be paid by the producer.

(e) A deduction shall be made for materials furnished by the ACP Branch from the payment of the producer to whom materials are furnished. The deduction shall be the sum of the credit value of the conservation materials furnished and any amount of small payment increase advanced to the producer.

(f) If the producer misuses any material furnished, an additional deduction equal to the original amount of the deduction, excluding any amount of

small payment increase advanced to the producer, for the material misused shall be made. Materials will be considered as misused in the following instances:

(1) Where the State office determines that any conservation material has been applied to a crop other than coffee, unless failure to properly use the material was due to conditions beyond the producer's control.

(2) Where the State office determines that material has been willfully or negligently destroyed, or has been rendered unusable, by the producer.

(3) Where the State office determines that a producer has disposed of material by sale, barter, or some other unauthorized means.

(4) Where the State office is unable to determine the use or disposition of material because of the failure of a producer to furnish requested information by the closing date designated by the ACP Branch for filing performance reports. However, if the requested information is filed at a later date and the material was properly used, the material will not be considered as misused.

(g) If the deduction for the materials exceeds the payment for the producer to whom the materials are furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

(h) Any producer to whom materials are furnished shall be responsible to the ACP Branch for any damage to the materials, unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may, at the option of the State office, be transferred to another producer or otherwise disposed of by the State office at the expense of the producer who abandoned or failed to use the material, or be retained by the producer for use in a subsequent program year.

Maximum assistance. 80 percent of the fair price for the grade of fertilizer used, as determined by the State office.

§ 702.115 *Practice 5: Applying to farm land refuse from sugar mill grinding operations known as filter cake.* The filter cake must be evenly spread over the area to which it is applied, preferably by plowing it into the land. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the quantity of filter cake to be applied to the land must be inspected by the farm inspector before the filter cake is plowed into the land or otherwise spread over the land.

Maximum assistance. (1) For application on sugarcane land—\$0.50 per ton.

(2) For application on other lands—\$1 per ton.

§ 702.116 *Practice 6: Applying coarsely shredded pineapple plants to pineapple fields.* The material must be spread on the land in a solid blanket at least 3 inches thick.

Maximum assistance. \$5 per acre.

§ 702.117 *Practice 7: Planting sweet-potatoes as a cover crop immediately*

after tobacco is harvested. The plants must be spaced close enough to secure a complete cover of the whole area planted.

Maximum assistance. \$3.50 per acre.

§ 702.118 *Practice 8: Establishing permanent pastures by seeding, sodding, or sprigging adapted legumes and grasses or other adapted forage plants.* The land must be suitably prepared and sufficient slips, cuttings, or seed used to assure a good stand at maturity. The varieties of grasses must be well adapted to conditions of the particular area to be planted. Any of the following varieties may be used for this purpose: Malojillo (Para grass), malojilla, Guinea grass, molasses grass, elephant grass, Merker grass, Guatemala grass, tropical kudzu, trailing indigo, millet, and other similar plants approved by the State office. Where pasture is established by using seed, the rates of seeding should be not less than 12 pounds per acre, except for tropical kudzu, where the rate of seeding should be not less than 3 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings should be used per acre. In the case of trailing indigo, not less than 2,500 cuttings should be used per acre.

Maximum assistance. \$5 per acre.

§ 702.119 *Practice 9: Brushing pasture.* Elimination of competitive shrubs and plants on nonerod pasture land. In order to qualify for payment, all competitive shrubs or plants such as the following must be eliminated: Santa Maria, Zarzas, Tunas, Margarita, Alabaca, Cadillo, Jaraguazo, and Guayaba. No assistance will be given for carrying out this practice on any acreage for which assistance for controlling or eliminating the same competitive plants was given under a previous program. No assistance will be given if it is determined that the area is overgrazed.

Maximum assistance. \$1.50 per acre.

§ 702.120 *Practice 10: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.* No assistance will be given for cleaning or maintaining an existing structure, or for repairs or maintenance of a dam or reservoir. Approval of the construction of a livestock pond will not be given if the State office determines that the area to be served by the development is overgrazed.

Maximum assistance. (1) \$0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) \$10 per cubic yard of concrete used in the construction of a dam.

(3) \$0.12 per cubic yard of earth moved in the excavation of a reservoir.

§ 702.121 *Practice 11: Planting fruit trees for erosion control.* Trees must be protected from fire and grazing. Payment will be made for not more than 100 fruit trees planted on a farm. A permanent cover of grass, legumes, or mulch should be maintained under the trees.

Maximum assistance. \$0.05 per tree.

§ 702.122 *Practice 12: Planting adapted trees or shrubs for windbreaks, gully control, or forest purposes.* Plant-

ings must be protected from fire and grazing.

Maximum assistance. \$1 per 100 trees or shrubs.

§ 702.123 Practice 13: Establishing strip-cropping. Planting of alternate strips of clean-tilled crops and non-cultivated grasses or legumes which will prevent soil washing. Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips will require prior approval by persons designated by the State office. No assistance will be given under this practice on the same area for which assistance was given for strip-cropping under a previous program.

Maximum assistance. \$2.50 per acre.

§ 702.124 Practice 14: Establishing permanent grasses or legumes in natural waterways.

Maximum assistance. \$0.75 per 1,000 square feet established by shaping and seeding or sodding.

§ 702.125 Practice 15: Constructing continuous terraces for protection against erosion. In order to qualify for payment, a channel or Nichols type terrace shall be constructed on land having a slope of from 2 to 15 percent. The water carrying cross-sectional area of the channel, depending upon the slope of the land, may vary from 5½ square feet on land of 15 percent slope to 8 square feet on land of 2 percent slope. Necessary outlets and waterways must be provided. The vertical distances between terraces on the various land slopes shall be as follows:

Slope of land (percent):	Vertical distances between terraces
2.....	2 feet 9 inches.
3.....	3 feet 0 inches.
4.....	3 feet 3 inches.
5.....	3 feet 6 inches.
6.....	3 feet 9 inches.
7.....	4 feet 0 inches.
8.....	4 feet 3 inches.
9.....	4 feet 6 inches.
10.....	4 feet 9 inches.
11.....	5 feet 0 inches.
12.....	5 feet 3 inches.
13.....	5 feet 6 inches.
14.....	5 feet 9 inches.
15.....	6 feet 0 inches.

Maximum assistance. \$1.25 per 100 linear feet.

§ 702.126 Practice 16: Establishing an adequate system of ditches to carry surface run-off water on land of 10 percent or more slope in coffee groves or planted to intertilled crops except sugarcane. Payment will be made when ditch systems have been constructed and necessary outlets and waterways have been provided in accordance with instructions prepared by persons designated by the State office.

Maximum assistance. \$0.12 per cubic yard of earth moved.

§ 702.127 Practice 17: Constructing open farm drainage ditches or protecting dikes. Payment will be made for the construction or enlargement of farm drainage ditches or of protecting dikes. Ditches must be provided with adequate outlets and so constructed as to provide

effective drainage for the area to be drained. The dike must be located and constructed in accordance with prior approved plans to divert the flow of water from other areas away from the area to be drained. No assistance will be given for cleaning or maintaining existing ditches or dikes.

Maximum assistance. \$0.12 per cubic yard of earth moved.

§ 702.128 Practice 18: Constructing diversion ditches for the protection of cultivated fields against the inflow of run-off water from other areas. In order to qualify for payment, diversion ditches must be constructed above cultivated fields, and must have sufficient width and depth to prevent the entering of run-off water from higher areas into the cultivated fields. In no event, however, can the measurements of the width, depth, and the side slopes average less than 24, 18, and 22 inches, respectively. The cross section of the channel shall average not less than 3.5 square feet.

Maximum assistance. \$1.25 per 100 linear feet.

§ 702.129 Practice 19: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent. (a) Credit will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a non-erosive velocity.

(3) The barrier must be planted at least 6 inches above the upper edge of the ditch.

(4) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant grass, Merker grass, Guatemala grass, and Guinea grass.

(ii) Sod-forming grasses: Bermuda grass, St. Augustine grass, sour paspalum grass, and carpet grass.

(iii) Any other adapted grasses or legumes approved by the State office, which when planted singly or in combination will act as a barrier.

(b) The average width and depth of ditches cannot be less than 15 and 12 inches, respectively. The cross section of the channel shall average not less than 1.25 square feet. No assistance will be given for cleaning or maintaining a ditch.

Maximum assistance. \$0.70 per 100 linear feet.

§ 702.130 Practice 20: Planting vegetative barriers on land of 10 percent or more slope. (a) Credit will be allowed when the grasses forming the barriers are planted in accordance with the following specifications:

(1) Any of the grasses listed under the practice contained in § 702.129 may be used and must be planted along contour lines.

(2) The vertical distance between the barriers must not exceed 9 feet.

(3) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart

must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(4) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(b) No credit will be given under this practice if the barriers are constructed in connection with ditches constructed under the practice contained in § 702.129.

Maximum assistance. \$0.25 per 100 linear feet.

§ 702.131 Practice 21: Constructing protected outlet channels for carrying run-off water from ditches and terrace systems. The width, depth, and side slope of the channel should depend on the amount of water to be carried. In no event, however, can the measurements of such elements average less than 24, 18, and 22 inches, respectively. The cross section of the channel shall average not less than 3.5 square feet. The bottom and sides of the channel must be protected with sod-forming grasses (listed in § 702.129) planted sufficiently close to prevent any soil washing within the channel. The width of the area seeded or sodded shall average not less than 3 feet.

Maximum assistance. \$1.50 per 100 linear feet.

PAYMENTS

§ 702.141 Division of payment—(a) Conservation practice payments. The payment earned in carrying out the practice contained in § 702.114 with fertilizer furnished by the ACP Branch shall be credited to the producer to whom the fertilizer is furnished, and it shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the State office determines the producers contributed to the carrying out of the practices. In making this determination, the State office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the State office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) Death, incompetency, or disappearance of producer. In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP-122).

§ 702.142 Increase in small payments. The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to \$0.71 or less shall be increased to \$1.

(b) Any payment amounting to more than \$0.71 but less than \$1 shall be increased by 40 percent.

RULES AND REGULATIONS

(c) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99	\$0.40	\$32 to \$32.99	\$10.40
\$2 to \$2.99	.80	\$33 to \$33.99	10.80
\$3 to \$3.99	1.20	\$34 to \$34.99	11.20
\$4 to \$4.99	1.60	\$35 to \$35.99	11.60
\$5 to \$5.99	2.00	\$36 to \$36.99	12.00
\$6 to \$6.99	2.40	\$37 to \$37.99	12.40
\$7 to \$7.99	2.80	\$38 to \$38.99	12.80
\$8 to \$8.99	3.20	\$39 to \$39.99	13.20
\$9 to \$9.99	3.60	\$40 to \$40.99	13.60
\$10 to \$10.99	4.00	\$41 to \$41.99	14.00
\$11 to \$11.99	4.40	\$42 to \$42.99	14.40
\$12 to \$12.99	4.80	\$43 to \$43.99	14.80
\$13 to \$13.99	5.20	\$44 to \$44.99	15.20
\$14 to \$14.99	5.60	\$45 to \$45.99	15.60
\$15 to \$15.99	6.00	\$46 to \$46.99	16.00
\$16 to \$16.99	6.40	\$47 to \$47.99	16.40
\$17 to \$17.99	6.80	\$48 to \$48.99	16.80
\$18 to \$18.99	7.20	\$49 to \$49.99	17.20
\$19 to \$19.99	7.60	\$50 to \$50.99	17.60
\$20 to \$20.99	8.00	\$51 to \$51.99	18.00
\$21 to \$21.99	8.40	\$52 to \$52.99	18.40
\$22 to \$22.99	8.80	\$53 to \$53.99	18.80
\$23 to \$23.99	9.20	\$54 to \$54.99	19.20
\$24 to \$24.99	9.60	\$55 to \$55.99	19.60
\$25 to \$25.99	10.00	\$56 to \$56.99	20.00
\$26 to \$26.99	10.40	\$57 to \$57.99	20.40
\$27 to \$27.99	10.80	\$58 to \$58.99	20.80
\$28 to \$28.99	11.20	\$59 to \$59.99	21.20
\$29 to \$29.99	11.60	\$60 to \$60.99	21.60
\$30 to \$30.99	12.00	\$186 to \$189.99	(7)
\$31 to \$31.99	12.40	\$200 and over	(7)

¹ Increase to \$200.

² No increase.

§ 702.143 Payments limited to \$2,500. The total of all payments made in connection with the 1951 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$2,500. All or any part of any payment which has been or otherwise would be made to any person under the 1951 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 702.146 Failure to maintain practices under previous programs. If the State office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1951 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1951 practice rate, or if the practice is not offered in 1951, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 702.142.

§ 702.147 Practices defeating purposes of programs. If the State office finds that any producer has adopted, or participated in adopting, any practice which tends to defeat the purposes of the 1951 or previous agricultural conservation programs, it may withhold, or require to be refunded, all or any part of any pay-

ment which has been or would be computed for such person.

§ 702.148 Depriving others of payment. If the State office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1951 program.

§ 702.149 Failure to carry out approved erosion-control measures. Payment will not be made to any person with respect to any farm which he owns or operates in Puerto Rico, if the State office finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1951 program year to other land in the community.

§ 702.150 Filing of false claims. If the State office finds that any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.151 Misuse of purchase orders. If the State office finds that any producer has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 702.152 Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 702.153 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 702.153 Assignments. Any person who may be entitled to any payment in

connection with the 1951 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1951. No assignment will be recognized, unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70—Insular Region.

§ 702.154 Practices carried out with State or Federal aid. The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the State office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

APPLICATIONS FOR PAYMENT

§ 702.161 Persons eligible to file applications. An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 702.162 Time and manner of filing applications and information required. Notwithstanding any other provision of this subpart, cash payments amounting to less than \$1 will not be made. Cash payment will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1952, except that the State office may accept an application filed after February 28, 1952, but not later than December 31, 1952, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1952. Where fertilizers are furnished by the ACP Branch, there need be reported on the application for payment with respect to such fertilizer only the total credit and deduction value of the fertilizer furnished. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1952. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing

notice to the Production and Marketing Administration district offices, the Agricultural Extension Service offices, and making copies available to the press.

APPEALS

§ 702.166 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State office. Written notice of any decision rendered under this section by the State office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 702.171 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1951 program as it applies to Puerto Rico, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned herein.

DEFINITIONS

§ 702.176 *Definitions.* For the purposes of the 1951 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Puerto Rico.

(e) "State office" means the Caribbean area office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "State committee" or "county committee" means the person in charge of the Caribbean area office, Production and Marketing Administration, San Juan, Puerto Rico, or persons to whom the person in charge has delegated authority to perform certain duties.

(g) "Technical committee" means the group of agricultural technicians selected by the State committee to advise the State committee in the selection and development of conservation practices for the agricultural conservation program.

(h) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Posses-

sion, or a political subdivision or agency thereof.

(i) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(j) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(k) "Coffee farm" means the same as "farm" except that it shall contain at least 0.5 cuerda of coffee in production in any one contiguous area.

(l) "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(m) "Designated parcel" means the acreage designated by the State office within the coffee-bearing area of a farm on which prescribed practices are to be carried out.

(n) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(o) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(p) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(q) "Land area" will be determined on the basis that one cuerda equals 0.97 acre.

(r) "Program year" means the period from January 1, 1951, through December 31, 1951, during which the conservation practices must be carried out to be eligible for assistance.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 702.181 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g-590q).

§ 702.182 *Availability of funds.* (a) The provisions of the 1951 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the pay-

ments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1951 program will not be available for the payment of applications filed in Production and Marketing Administration district offices in Puerto Rico after December 31, 1952.

§ 702.183 *Applicability.* (a) The provisions of the 1951 program contained herein are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) non-private persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands, (2) lands owned by Puerto Rico or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal land banks and production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the departments comprising the National Military Establishment, or by any other Government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9855; Filed, Nov. 3, 1950; 8:51 a. m.]

[1061 (V. I. 51)-1]

PART 703—SPECIAL AGRICULTURAL CONSERVATION PROGRAM; VIRGIN ISLANDS

SUBPART—1951

The intent of the 1951 Agricultural Conservation Program for the Virgin Islands (hereinafter referred to as the 1951 program) is to obtain the greatest possible conservation with available funds, and to assist farmers in increasing conservation activities on their farms.

Assistance will be given to farmers carrying out conservation practices under the 1951 program in accordance with the provisions contained herein and such modifications thereof as may hereafter be made.

CONTROL OF FUNDS

- Sec.
703.1 Maximum farm payment.
703.2 Adjustments.
703.3 Allocation.

APPROVAL OF CONSERVATION PRACTICES

- 703.6 Basis for approval of practices.
703.7 State office approval.
703.8 Payment.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

- 703.11 Practice 1: Applying to farm land refuse from sugar mill grinding operations known as filter cake.
703.12 Practice 2: Planting green manure or cover crops.
703.13 Practice 3: Subsoiling land on the contour at a depth (not less than 12 inches) which will effectively shatter the hardpan or plow sole.
703.14 Practice 4: Furrowing, chiseling, ripping, scarifying, or listing noncrop pasture (grazing) land to retard the run-off and improve water penetration.
703.15 Practice 5: Planting grasses on properly prepared land for permanent pastures.
703.16 Practice 6: Controlling weeds in permanent pasture by mowing.
703.17 Practice 7: Eradicating shrubs or trees on land to be used for range or pasture.
703.18 Practice 8: Eradicating hurricane grass on range or pasture land.
703.19 Practice 9: Constructing permanent fences to obtain better distribution of grazing and prevent overgrazing, or to protect farm woodlots.
703.20 Practice 10: Constructing concrete or rubble-masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.
703.21 Practice 11: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.
703.22 Practice 12: Installing concrete or metal trickle drain pipes in dams for farm ponds.
703.23 Practice 13: Installing pipelines for water to be used for livestock.
703.24 Practice 14: Constructing dug wells lined with stone to provide water for livestock.
703.25 Practice 15: Constructing wells for supplying water for livestock.
703.26 Practice 16: Constructing rock barriers to form bench terraces.
703.27 Practice 17: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.
703.28 Practice 18: Planting vegetative barriers on land of 10 percent or more slope.
703.29 Practice 19: Establishing on dams and/or spillways permanent grasses or legumes by sodding, sprigging, or seeding.
703.30 Practice 20: Constructing protected outlet channels to carry run-off water from ditches and terrace systems.

PAYMENTS

- 703.36 Division of payment.
703.37 Increase in small payments.
703.38 Payments limited to \$2,500.

GENERAL PROVISIONS RELATING TO PAYMENT

- 703.41 Failure to maintain practices under previous programs.
703.42 Practices defeating purposes of programs.
703.43 Depriving others of payment.

- Sec.
703.44 Failure to carry out approved erosion-control measures.
703.45 Filing of false claims.
703.46 Payment computed and made without regard to claims.
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703.48 Practices carried out with State or Federal aid.

APPLICATION FOR PAYMENT

- 703.56 Persons eligible to file applications.
703.57 Time and manner of filing applications and information required.

APPEALS

- 703.61 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

- 703.66 Bulletins, instructions, and forms.

DEFINITIONS

- 703.71 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

- 703.76 Authority.
703.77 Availability of funds.
703.78 Applicability.

AUTHORITY: §§ 702.101 to 702.183 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. and Sup., 590g-590q.

CONTROL OF FUNDS

§ 703.1 *Maximum farm payment.* The maximum payment for a farm shall be equal to the value of all practices carried out on the farm in accordance with the specifications for such practices.

§ 703.2 *Adjustments.* If the total estimated practice earnings for all farms under the program exceed the funds available for assistance, assistance will be reduced equitably.

§ 703.3 *Allocation.* The amount of funds available for conservation practices under this program is \$15,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 703.37.

APPROVAL OF CONSERVATION PRACTICES

§ 703.6 *Basis for approval of practices.* Practices included in §§ 703.11 to 703.30 are only those which maintain or increase soil fertility, control or prevent soil erosion caused by water, encourage conservation and better agricultural use of water, or conserve and increase range and pasture forage, and which will not be carried out in desired volume on the basis of relative conservation needs unless assistance is given therefor.

§ 703.7 *State office approval.* Prior approval of the State office is required for the practices contained in §§ 703.17 to 703.30. Such approval shall be conditioned upon carrying out the practices under the supervision of persons designated by the State office.

§ 703.8 *Payment.* Payment will be made at the rates specified and within the limitations set forth in §§ 703.11 to 703.30 for carrying out during the calendar year 1951 any of the conservation practices enumerated in such sections.

CONSERVATION PRACTICES AND RATES OF ASSISTANCE

§ 703.11 *Practice 1: Applying to farm land refuse from sugar mill grinding operations known as filter cake.* The

filter cake must be evenly spread over the area to which it is applied, preferably by plowing it into the land. A certificate from the mill showing the tons of filter cake delivered to the participating farmer must be retained for presentation to the farm inspector at the time of inspection. If such certificate is not obtainable, the quantity of filter cake to be applied to the land must be inspected by the farm inspector before the filter cake is plowed into the land or otherwise spread over the land.

Maximum assistance. \$0.50 per ton.

§ 703.12 *Practice 2: Planting green manure or cover crops.* The crops to be planted must be one of the following: Beans (any kind), cowpeas, sweetpotatoes, or pigeon peas. A good stand covering the whole area planted must be obtained and the plants or vines must be left on the land or turned over and not burned. Leguminous vegetable or truck crops for sale, soybeans or mung beans for seed or oil, and legume seedlings interplanted with row crops are not eligible for assistance.

Maximum assistance. \$2 per acre.

§ 703.13 *Practice 3: Subsoiling land on the contour at a depth (not less than 12 inches) which will effectively shatter the hardpan or plow sole.*

Maximum assistance. (1) \$2.25 per acre by spacing the cuts at intervals up to 4 feet.
(2) \$1.50 per acre by spacing the cuts at intervals of more than 4 feet up to 7 feet.

§ 703.14 *Practice 4: Furrowing, chiseling, ripping, scarifying, or listing noncrop pasture (grazing) land to retard the run-off and improve water penetration.* The operation must be as nearly as possible on the contour. Where furrows are opened, these should have a minimum width of 10 inches and a depth of not less than 8 inches. The spacing of the furrows or cuts, according to the slope of the land, should be as follows:

Distance between furrows or cuts	
Slope of land (percent):	(feet)
40	10
30	15
20	20
10	25
5	30

Maximum assistance. \$0.25 per 1,000 linear feet.

§ 703.15 *Practice 5: Planting grasses on properly prepared land for permanent pastures.* Any of the following varieties of grasses may be used: Guinea grass, molasses grass, Para grass, Barbados sour grass, Bermuda grass, St. Augustine grass, sour paspalum grass, or carpet grass. The land must be suitably prepared and sufficient quantities of slips, cuttings, or seeds used to assure a good stand at maturity. The varieties of grasses must be well adapted to conditions of the particular area to be planted. Where pasture is established by using seed, the rate of seeding should be not less than 12 pounds per acre. Where pasture is established by using slips or cuttings, not less than 5,000 slips or cuttings should be used per acre.

Maximum assistance. \$4.50 per acre.

§ 703.16 *Practice 6: Controlling weeds in permanent pasture by mowing.*

All weeds on the area mowed must be cut close to the ground so as to discourage any further growth and must be left on the ground and not be burned. The mowings may not be used for hay nor sold for any purpose. This practice is limited to farms on which the practice is carried out in combination with such seeding, liming, and fertilizing measures as are required for the development or maintenance of a good pasture cover on the acreage mowed. No payment will be made for carrying out this practice if payment has been or is being made for carrying out the practice contained in § 703.17 on the same area, or if payment was made for carrying out this practice on the same area in a previous year.

Maximum assistance. \$0.50 per acre per year.

§ 703.17 *Practice 7: Eradicating shrubs or trees on land to be used for range or pasture.* Payment will be made for eradicating any of the following shrubs or trees on land to be used for range or pasture: Acacia, soap brush, Kanappy (Kennep), sage, guava, logwood, marigold, tantan, wild cedar, Ginger Thomas, all varieties of cactus, or Thibet (Tebitt). All shrubs or trees on the area to be cleared must be thoroughly uprooted either by hand labor or mechanical implements, and all shrubs, trees, and roots must be removed from the land or may be burned thereon. The clearing must contribute to the conservation or better use of other land in the farm. Temporary use of the land for other crops may be permitted where the State office determines this is essential to establishing the eligible legumes and grasses. Grasses and legumes must be established as soon as practicable. No assistance will be given for clearing a stand of merchantable timber or pulpwood. Prior approval of the area to be cleared must be obtained from the State office. No payment will be made for this practice on any area on which payment for this practice has been made under a previous program.

Maximum assistance. (1) \$4 per acre on land with light growth where the shrubs or trees cover approximately 30 percent of the area.

(2) \$7 per acre on land with medium growth where the shrubs or trees cover approximately 60 percent of the area.

(3) \$10 per acre on land with heavy growth where the shrubs or trees cover more than 60 percent of the area.

§ 703.18 *Practice 8: Eradicating hurricane grass on range or pasture land.* The eradication must be carried out by plowing or disking the whole area at a depth of 6 inches and double cutting with heavy disk harrow at least twice at 30-day intervals. No payment will be made unless the practice contained in § 703.15 is carried out on the same area. No assistance will be given for this practice if the State office determines that the area is overgrazed. No assistance will be given for carrying out this practice on any acreage for which assistance for eradicating hurricane grass was given under a previous program.

Maximum assistance. \$3 per acre.

§ 703.19 *Practice 9: Constructing permanent fences to obtain better distribution of grazing and prevent overgrazing, or to protect farm woodlots.* Payment will be made for new fences, constructed entirely of new materials. Hardwood posts shall be used. Posts must be spaced not more than 6 feet apart with corner posts adequately braced. Four strands of No. 12½ standard gauge or heavier barbed wire must be used and tightly stretched. Payment will not be made for boundary fences, except where incidental to protecting farm woodlots.

Maximum assistance. \$2.20 per 100 linear feet.

§ 703.20 *Practice 10: Constructing concrete or rubble masonry watersheds (catchments) and/or storage tanks to collect rain water or for accumulating water from wells or springs for livestock or for irrigation purposes.* No assistance will be given for maintaining an existing structure. Approval of this practice will not be given by the State office if the area to be served by the watershed (catchment) and/or storage tank is overgrazed.

Maximum assistance. (1) \$10 per cubic yard of concrete structure.

(2) \$6 per cubic yard of rubble masonry structure.

§ 703.21 *Practice 11: Constructing farm ponds or reservoirs to provide water for livestock or for irrigation purposes.* No assistance will be given for cleaning or maintaining an existing structure, or for repairs or maintenance of a dam or reservoir. Approval of the construction of a livestock pond will not be given if the State office determines that the area to be served by the development is overgrazed.

Maximum assistance. (1) \$0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) \$10 per cubic yard of concrete used in the construction of a dam.

(3) \$0.12 per cubic yard of earth moved in the excavation of a reservoir.

§ 703.22 *Practice 12: Installing concrete or metal trickle drain pipes in dams for farm ponds.* A trickle pipe may be installed in an existing dam, or at the time of constructing the dam. Prior approval of the State office of the plan for installing a trickle pipe must be obtained.

Maximum assistance. 50 percent of the cost of pipe used, but not in excess of \$1.50 per foot of pipe.

§ 703.23 *Practice 13: Installing pipelines for water to be used for livestock.* Payment will be made only when the pipeline carries water to areas where no other water supply for livestock is available and proper drinking troughs for the livestock have been provided. The practice will not be approved if the State office determines that the area to be served by the development is overgrazed.

Maximum assistance. (1) \$0.12 per linear foot when pipes of 1 inch diameter are used.

(2) \$0.18 per linear foot when pipes of 1½ inches diameter are used.

(3) \$0.25 per linear foot when pipes of 2 inches or more diameter are used.

§ 703.24 *Practice 14: Constructing dug wells lined with stone to provide water for livestock.* The well must have

a minimum diameter of not less than 8 feet, including the stone lining, which must have a thickness of not less than 12 inches. The wells should be constructed in an area of the farm where the providing of water will contribute to a better grazing or pasture management. Adequate pumping equipment and drinking troughs for animals must be installed. No payment will be made unless water is obtained. Approval of this practice will not be given if the State office determines that the area to be served by the development is overgrazed.

Maximum assistance. \$3.25 per cubic yard of well dug.

§ 703.25 *Practice 15: Constructing wells for supplying water for livestock.* The wells should be constructed in an area of the farm where the providing of water will contribute to a better distribution of grazing. The practice will not be approved if the State office determines that the area to be served by the development is overgrazed. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals also must be installed. No payment will be made for wells constructed at or for the use of farm headquarters, or unless water is obtained.

Maximum assistance. (1) \$1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) \$2 per linear foot of wells having a bore taking a casing of 4 inches but less than 6 inches in diameter, excluding artesian wells.

(3) \$3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 703.26 *Practice 16: Constructing rock barriers to form bench terraces.* The barriers must be constructed in accordance with instructions prepared by persons designated by the State office.

Maximum assistance. \$1.50 per cubic yard of rock used.

§ 703.27 *Practice 17: Constructing ditches with either rock or vegetative barrier protection on land having a slope of from 15 to 35 percent.* (a) Credit will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a non-erosive velocity.

(3) The barrier must be planted at least 6 inches above the upper edge of the ditch.

(4) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant grass, Guatemala grass, Merker grass, or Guinea grass.

(ii) Sod-forming grasses: Bermuda grass, St. Augustine grass, sour paspalum grass, or carpet grass.

(iii) Any other adapted grasses or legumes approved by the State office, which when planted singly or in combination will act as a barrier.

(b) The average width and depth of the ditches cannot be less than 15 and 12 inches, respectively. The cross section of the channel shall average not less than 1.25 square feet. No assistance will be given for cleaning or maintaining a ditch.

Maximum assistance, \$0.70 per 100 linear feet.

§ 703.28 *Practice 18: Planting vegetative barriers on land of 10 percent or more slope.* (a) Credit will be allowed when the grasses forming the barriers are planted in accordance with the following specifications:

(1) Any of the grasses specified in § 703.27 may be used and must be planted along contour lines.

(2) The vertical distance between the barriers must not exceed 9 feet.

(3) When cuttings of stiff-stemmed grasses are used, two rows 6 inches apart must be planted. When clump divisions of such grasses are used, the rows must be approximately 6 inches wide.

(4) When sod-forming grasses are used, the planted rows must be approximately 3 feet wide.

(b) When the topography and stoniness of the land do not permit the planting of vegetative barriers, stone barriers may be constructed across the slope of the land.

Maximum assistance, \$0.25 per 100 linear feet.

§ 703.29 *Practice 19: Establishing on dams and/or spillways permanent grasses or legumes by sodding, sprigging or seeding.* The practice must be performed in accordance with instructions prepared by persons designated by the State office.

Maximum assistance, \$0.75 per 1,000 square feet.

§ 703.30 *Practice 20: Constructing protected outlet channels to carry runoff water from ditches and terrace systems.* The width, depth, and side slope of the channel should depend on the amount of water to be carried. In no event, however, should the measurements of such elements average less than 24, 18, and 22 inches, respectively. The cross section of the channel shall average not less than 3.5 square feet. The bottom and sides of the channel must be protected with sod-forming grasses planted sufficiently close to prevent any soil washing within the channel. The width of the area seeded or sodded shall not average less than 3 feet.

Maximum assistance, \$1.50 per 100 linear feet.

PAYMENTS

§ 703.36 *Division of payment—(a) Conservation practice payments.* The payment earned in carrying out practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the State office determines the producers contributed to the carrying out of the practices. In making this determination, the State office shall take into consideration the value of the labor, equipment, or material contributed by each

producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the State office that their respective contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance of producer.* In case of death, incompetency, or disappearance of any producer, his share of the payment shall be paid to his successor, determined in accordance with the provisions of part 716 of this chapter (ACP-122).

§ 703.37 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to \$0.71 or less shall be increased to \$1.

(b) Any payment amounting to more than \$0.71 but less than \$1 shall be increased by 40 percent.

(c) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.00	\$0.40	\$32 to \$32.99	\$10.40
\$2 to \$2.99	.80	\$33 to \$33.99	10.60
\$3 to \$3.99	1.20	\$34 to \$34.99	10.80
\$4 to \$4.99	1.60	\$35 to \$35.99	11.00
\$5 to \$5.99	2.00	\$36 to \$36.99	11.20
\$6 to \$6.99	2.40	\$37 to \$37.99	11.40
\$7 to \$7.99	2.80	\$38 to \$38.99	11.60
\$8 to \$8.99	3.20	\$39 to \$39.99	11.80
\$9 to \$9.99	3.60	\$40 to \$40.99	12.00
\$10 to \$10.99	4.00	\$41 to \$41.99	12.10
\$11 to \$11.99	4.40	\$42 to \$42.99	12.20
\$12 to \$12.99	4.80	\$43 to \$43.99	12.30
\$13 to \$13.99	5.20	\$44 to \$44.99	12.40
\$14 to \$14.99	5.60	\$45 to \$45.99	12.50
\$15 to \$15.99	6.00	\$46 to \$46.99	12.60
\$16 to \$16.99	6.40	\$47 to \$47.99	12.70
\$17 to \$17.99	6.80	\$48 to \$48.99	12.80
\$18 to \$18.99	7.20	\$49 to \$49.99	12.90
\$19 to \$19.99	7.60	\$50 to \$50.99	13.00
\$20 to \$20.99	8.00	\$51 to \$51.99	13.10
\$21 to \$21.99	8.40	\$52 to \$52.99	13.20
\$22 to \$22.99	8.80	\$53 to \$53.99	13.30
\$23 to \$23.99	9.20	\$54 to \$54.99	13.40
\$24 to \$24.99	9.60	\$55 to \$55.99	13.50
\$25 to \$25.99	10.00	\$56 to \$56.99	13.60
\$26 to \$26.99	10.40	\$57 to \$57.99	13.70
\$27 to \$27.99	10.80	\$58 to \$58.99	13.80
\$28 to \$28.99	11.20	\$59 to \$59.99	13.90
\$29 to \$29.99	11.60	\$60 to \$60.99	14.00
\$30 to \$30.99	12.00	\$186 to \$189.99	(c)
\$31 to \$31.99	12.40	\$200 and over	(c)

1 Increase to \$200.

2 No increase.

§ 703.38 *Payments limited to \$2,500.* The total of all payments made in connection with the 1951 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$2,500. All or any part of any payment which has been or otherwise would be made to any person under the 1951 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 703.41 *Failure to maintain practices under previous programs.* If the State office determines that any conservation practice carried out under previous agricultural conservation programs is not

maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1951 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1951 practice rate, or if the practice is not offered in 1951, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 703.37.

§ 703.42 *Practices defeating purposes of programs.* If the State office finds that any producer has adopted, or participated in adopting, any practice which tends to defeat the purposes of the 1951 or previous agricultural conservation programs, it may withhold, or require to be refunded, all or any part of any payment which has been or would be computed for such person.

§ 702.43 *Depriving others of payment.* If the State office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1951 program.

§ 703.44 *Failure to carry out approved erosion-control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in the Virgin Islands, if the State office finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1951 program year to other land in the community.

§ 703.45 *Filing of false claims.* If the State office finds that any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 703.46 *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 703.47 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien

against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 703.47 *Assignments.* Any person who may be entitled to any payment in connection with the 1951 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1951. No assignment will be recognized, unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70—Insular Region.

§ 703.48 *Practices carried out with State or Federal aid.* The assistance for any practice shall not be reduced because it is carried out with materials or services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the State office. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purpose of this section.

APPLICATION FOR PAYMENT

§ 703.56 *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

§ 703.57 *Time and manner of filing applications and information required.* Notwithstanding any other provision of this subpart, cash payments amounting to less than \$1 will not be made. Cash payment will be made only upon application submitted on the prescribed form to the Production and Marketing Administration district office not later than February 28, 1952, except that the State office may accept an application filed after February 28, 1952, but not later than December 31, 1952, in any case where the failure to timely file was not the fault of the producer. If an application for a farm is filed within the time prescribed, any producer on the farm who did not sign the application may subsequently apply for his share of payment, provided he does so on or before December 31, 1952. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Director, ACP Branch, which time shall be not later than December 31, 1952. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be

given by mailing notice to the Production and Marketing Administration district offices, and making copies available to the press.

APPEALS

§ 703.61 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State office. Written notice of any decision rendered under this section by the State office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETIN, INSTRUCTIONS, AND FORMS

§ 703.66 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1951 program as it applies to the Virgin Islands, and forms will be available in the State and district offices of the Production and Marketing Administration. Producers wishing to participate in the program should obtain all information needed from the offices mentioned herein.

DEFINITIONS

§ 703.71 *Definitions.* For the purposes of the 1951 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means the Virgin Islands.

(e) "State office" means the Caribbean area office, Production and Marketing Administration, San Juan, Puerto Rico.

(f) "State committee" or "county committee" means the person in charge of the Caribbean area office, Production and Marketing Administration, San Juan, Puerto Rico, or persons to whom the person in charge has delegated authority to perform certain duties.

(g) "Technical committee" means the group of agricultural technicians selected by the State committee to advise the State committee in the selection and development of conservation practices for the agricultural conservation program.

(h) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(i) "Producer" or "operator" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(j) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the State office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(k) "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding bearing orchards and plowable noncrop open pasture.

(l) "Orchards" means the acreage in planted fruit trees, nut trees, vanilla plants, and banana plants.

(m) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(n) "Range land" means any land which produces, or can produce, forage suitable for grazing by range livestock without cultivation or general irrigation.

(o) "Program year" means the period from January 1, 1951, through December 31, 1951, during which the conservation practices must be carried out, to be eligible for assistance.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 703.76 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U. S. C. 590g-590q).

§ 703.77 *Availability of funds.* (a) The provisions of the 1951 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1951 program will not be available for the payment of applications filed in the Production and Marketing Administration office in the Virgin Islands after December 31, 1952.

§ 703.78 *Applicability.* (a) The provisions of the 1951 program contained herein are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture; and (3) non-private persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands, (2) lands owned by the Virgin Islands or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal land banks and production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the departments comprising the National Military Establishment, or by any other Government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9856; Filed, Nov. 3, 1950;
8:51 a. m.]

PART 704—SPECIAL AGRICULTURAL CONSERVATION PROGRAM; ALASKA

SUBPART—1951

The United States Department of Agriculture offers every farmer in the Territory of Alaska an opportunity to improve and conserve the fertility of his land through participation in the 1951 Agricultural Conservation Program.

Payment will be made for the performance of approved conservation practices to the extent of the individual practice allowances and available funds. Developed under the provisions of the Soil Conservation and Domestic Allotment Act, the program is designed to meet local conservation needs insofar as practicable.

Assistance will be given to farmers carrying out conservation practices under the 1951 program in accordance with the provisions contained herein and such modifications as may hereafter be made.

CONTROL OF FUNDS

- Sec.
704.1 Maximum farm payment.
704.2 Adjustments.
704.3 Allocation.

APPROVAL OF CONSERVATION PRACTICES

- Sec.
704.6 Basis for approval of practices.
704.7 Adaptation of practices and rates of assistance.
704.8 State office approval.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

- 704.10 Conservation practices and maximum rates of assistance.
704.11 Practice 1: Applying fertilizer.
704.12 Practice 2: Field peas with oats for winter cover.
704.13 Practice 3: Field peas with oats for green manure.
704.14 Practice 4: Sweetclover for green manure.
704.15 Practice 5: Contour farming inter-tilled crops.
704.16 Practice 6: Contour farming drilled or close-sown crops.
704.17 Practice 7: Diversion ditches to divert excess water.
704.18 Practice 8: Establishing permanent sod waterways to dispose of excess water without causing erosion.
704.19 Practice 9: Establishing a permanent cover on steep slopes.
704.20 Practice 10: Establishing or improving permanent pasture.
704.21 Practice 11: Clearing woodland for tillage.

PAYMENTS

- 704.31 Division of payment.
704.32 Increase in small payments.
704.33 Payments limited to \$2,500.

CONSERVATION SERVICES

- 704.36 Availability.
704.37 Cost to producer in cash.
704.38 Deduction.

GENERAL PROVISIONS RELATING TO PAYMENT

- 704.41 Failure to maintain practices under previous programs.
704.42 Practices defeating purposes of programs.
704.43 Depriving others of payment.
704.44 Failure to carry out approved erosion-control measures.
704.45 Filing of false claims.
704.46 Misuse of purchase orders.
704.47 Payment computed and made without regard to claims.
704.48 Assignments.
704.49 Practices carried out with State or Federal aid.

APPLICATION FOR PAYMENT

- 704.51 Persons eligible to file applications.
704.52 Time and manner of filing applications and information required.

APPEALS

- 704.56 Appeals.

BULLETINS, INSTRUCTIONS, AND FORMS

- 704.61 Bulletins, instructions, and forms.

DEFINITIONS

- 704.66 Definitions.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

- 704.71 Authority.
704.72 Availability of funds.
704.73 Applicability.

AUTHORITY: §§ 704.1 to 704.73 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 16 U. S. C. 590g-590q.

CONTROL OF FUNDS

§ 704.1 *Maximum farm payment.* The State Office will determine the amount of assistance for each farm, taking into consideration the funds allocated, the conservation needs of other

farms in the area, and conservation needs on the farm for which assistance is requested. An allowance will be established for each practice approved for a farm and the maximum payment for the farm will be the sum of the individual practice allowances. The total of the maximum payments for all farms shall not exceed available funds.

§ 704.2 *Adjustments.* If the total obligations under the program exceed the total funds available for payments, payments will be reduced equitably, except that payment will be made in full for land clearing services furnished by the ACP Branch under a purchase order for carrying out the practice contained in § 704.21.

§ 704.3 *Allocation.* The amount of funds available for conservation practices under this program is \$33,000. This amount does not include the amount set aside for administrative expenses and the amount required for size-of-payment adjustments in § 704.32.

APPROVAL OF CONSERVATION PRACTICES

§ 704.6 *Basis for approval of practices.* Practices to be approved will include only those which maintain or increase soil fertility; control and prevent soil erosion caused by wind or water; encourage conservation and better agricultural use of water; or conserve and increase range and pasture forage and which will not be carried out in desired volume on the basis of relative conservation needs unless payments are made therefor.

§ 704.7 *Adaptation of practices and rates of assistance.* In order to encourage the performance of practices which are needed most, the State Office may designate from the practices listed herein those practices which will be applicable on designated groups of farms, and may approve rates of assistance lower than the rates of assistance set out in this subpart. For recurring practices, the State Office may, on the basis of the experience of the producer in performing the practices, approve rates of assistance for individual farms lower than the rates of assistance set out in this subpart.

§ 704.8 *State Office approval.* Payment will be made only for those practices included in §§ 704.11 to 704.21 for which written approval is granted by the State Office. Written approval will be given only where the farmer requests assistance before he begins the conservation practice. Requests for assistance may be made by contacting a representative of the State Office or by writing to the State Office. The farmer will be notified in writing of the number of units of each practice approved, the date by which performance of the practice is to be reported, and the amount of funds set aside for the practice. It is the responsibility of the farmer to report performance of each practice on or before the closing date shown on the notice of approval.

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE

§ 704.10 *Conservation practices and maximum rates of assistance.* Payment

will be made at the rates specified and within the limitations set forth in this subpart for carrying out during the period from November 1, 1950, to December 31, 1951, inclusive, the conservation practices included in §§ 704.11 to 704.21 which are approved for a farm. However, no payment may be made under the 1951 program which will result in an additional payment for practices completed under the provisions of the 1950 program. Payment will be in the form of cash payments, as reimbursement for a part of the cost of performing the practices, or as services furnished for carrying out the land clearing practice.

§ 704.11 Practice 1: Applying fertilizer. Payment will be made only for the application of phosphate (P_2O_5) and potash (K_2O) to pastures excluding small grains; to grass or legume cover crops excluding small grains seeded alone; or to leguminous crops (with or without a nurse crop) excluding vegetable or truck crops for sale. Application must be made at a time so that the eligible crop will receive the principal benefit of the material. Receipts or invoices showing the purchase and the analysis of the fertilizer bought, properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

Maximum assistance. (1) 7 cents per pound of available P_2O_5 applied.

(2) 6 cents per pound of available K_2O applied.

§ 704.12 Practice 2: Field peas with oats for winter cover. Payment will be made for using field peas with oats in rotation with other crops. To qualify for assistance, a good stand and a good growth of field peas must be obtained and left on the land as a cover crop for winter protection. The minimum rate of seeding is 42 pounds of field peas and 32 pounds of oats per acre. Acreages harvested for grain or hay are not eligible for assistance.

Maximum assistance. \$3 per acre.

§ 704.13 Practice 3: Field peas with oats for green manure. Payment will be made for plowing under a good stand of field peas with oats which have been brought to the proper stage of maturity, which will be considered to be the blossoming period. The minimum rate of seeding is 42 pounds of field peas and 32 pounds of oats per acre. Acreages harvested for grain or hay are not eligible for assistance.

Maximum assistance. \$5 per acre.

§ 704.14 Practice 4: Sweetclover for green manure. Payment will be made for plowing under during the 1951 program year a good stand and a good growth of sweet-clover seeded in the spring of 1951 at a rate of not less than 10 pounds of seed per acre. Pasturing consistent with good management is permitted.

Maximum assistance. \$3 per acre.

§ 704.15 Practice 5: Contour farming intertilled crops. Payment will be made for farming intertilled crops on the contour. The crop stubble or crop residue must be left standing over win-

ter, or a winter cover crop established, or protective tillage operations carried out.

Maximum assistance. (1) \$1.50 per acre where all cultural operations are on the contour.

(2) \$1 per acre where only the planting and cultivating are on the contour.

§ 704.16 Practice 6: Contour farming drilled or close-sown crops. Payment will be made for contour farming drilled or close-sown grasses, legumes, or small grains.

Maximum assistance. (1) 75 cents per acre where all cultural operations are on the contour.

(2) 50 cents per acre where only the seeding operation is on the contour.

§ 704.17 Practice 7: Diversion ditches to divert excess water. Payment will be made for constructing permanent ditching with a minimum cross section of 2.7 square feet on land of 6 percent or more average slope with suitable outlets for the diversion of surface water. This practice includes only permanent ditching constructed primarily for the purpose of preventing soil washing. The ditches must be of sufficient depth and width and of proper fall to provide adequate carrying capacity for surface water at a sufficiently low velocity to prevent washing and gully of the soil. In no event will ditches with a fall of more than 2 percent be eligible for payment.

Maximum assistance. (1) 80 cents per 100 linear feet when constructed on land where the topography, stoniness, or size of fields requires that the ditching be constructed entirely by hand labor.

(2) 40 cents per 100 linear feet when constructed on other land.

§ 704.18 Practice 8: Establishing permanent sod waterways to dispose of excess water without causing erosion. Payment will be made for establishing in 1951 a permanent sod of perennial grasses or a mixture of legumes and perennial grasses. The protected waterway must be sufficiently wide at all points to carry water diverted into it under conditions of probable maximum run-off. However, payment will be limited to a maximum average width of 40 feet. No waterway will be approved with an average width of less than 12 feet. Seedlings in establishing permanent sod waterways shall be at a rate of at least 15 pounds per acre and shall contain not less than 50 percent of adapted sod-forming perennial grasses with the balance in other perennial grasses or adapted legumes. The stand must be established before assistance can be offered.

Maximum assistance. (1) 75 cents per 1,000 square feet for seeding or sodding.

(2) 12 cents per cubic yard of earth moved with dirt-moving equipment in shaping and filling.

§ 704.19 Practice 9: Establishing a permanent cover on steep slopes. Payment will be made for establishing on steep slopes, a permanent cover of adapted perennial grasses or a mixture of perennial grasses and perennial or biennial legumes. The seed of these crops must be well distributed over the area sown to insure a good stand at maturity. The minimum seeding rate

shall not be less than 12 pounds of seed per acre.

Maximum assistance. \$4 per acre.

§ 704.20 Practice 10: Establishing or improving permanent pasture. Payment will be made for establishing or improving permanent pasture by seeding adapted varieties of perennial grasses or legumes. The seed must be adapted to local conditions, and must be properly distributed over the area sown, a sufficient amount being used to insure a good stand at maturity.

Maximum assistance:	Cents per pound
(1) Smooth bromegrass.....	50
(2) Kentucky bluegrass.....	25
(3) Meadow fescue.....	25
(4) Slender wheatgrass.....	25
(5) Timothy.....	12½
(6) Alsike clover.....	37½
(7) Russian red clover.....	50
(8) Siberian alfalfa.....	50
(9) Redtop.....	25
(10) Yellow blossom sweetclover....	25

§ 704.21 Practice 11: Clearing woodland for tillage. Payment will be made only for the clearing of land suitable for cultivation which never has been used for cultivated crops, and where the tree growth and brush is so heavy that it cannot be considered as grazing land. Payment will not be approved for clearing more than three acres on any farm during the 1951 program year, and approval will not be given for clearing in excess of 30 acres on any farm under all programs. Payment will not be made for clearing land for 5-acre home sites or on farms not having sufficient acreage for an economic farm unit as determined by the State Office. Where clearing is partially completed with stumps, timber, or debris left in windrows or piles, payment (either cash or purchase order) will be made only for that acreage cleared which is ready for tillage.

Maximum assistance. \$40 per acre.

PAYMENTS

§ 704.31 Division of payments. (a) The payment earned in carrying out practices with conservation services shall be credited to the producer to whom the services are furnished. Payment for practices performed with conservation services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the State Office determines the producers contributed to the carrying out of the practices. In making this determination, the State Office shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally, unless it is established to the satisfaction of the State Office that their contributions thereto were not in equal proportion. The furnishing of land will not be considered as a contribution to the carrying out of any practice.

(b) In case of death, incompetency, or disappearance of any producer, his share

of the payment shall be paid to his successor, determined in accordance with the provisions of Part 716 of this chapter (ACP-122).

§ 704.32 Increase in small payments. The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to \$0.71 or less shall be increased to \$1.

(b) Any payment amounting to more than \$0.71 but less than \$1 shall be increased by 40 percent.

(c) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

Amount of payment computed	Increase in payment	Amount of payment computed	Increase in payment
\$1 to \$1.99	\$0.40	\$52 to \$53.99	\$10.40
\$2 to \$2.99	.80	\$54 to \$55.99	10.60
\$3 to \$3.99	1.20	\$56 to \$57.99	10.80
\$4 to \$4.99	1.60	\$58 to \$59.99	11.00
\$5 to \$5.99	2.00	\$60 to \$61.99	11.20
\$6 to \$6.99	2.40	\$62 to \$63.99	11.40
\$7 to \$7.99	2.80	\$64 to \$65.99	11.60
\$8 to \$8.99	3.20	\$66 to \$67.99	11.80
\$9 to \$9.99	3.60	\$68 to \$69.99	12.00
\$10 to \$10.99	4.00	\$70 to \$71.99	12.20
\$11 to \$11.99	4.40	\$72 to \$73.99	12.40
\$12 to \$12.99	4.80	\$74 to \$75.99	12.60
\$13 to \$13.99	5.20	\$76 to \$77.99	12.80
\$14 to \$14.99	5.60	\$78 to \$79.99	13.00
\$15 to \$15.99	6.00	\$80 to \$81.99	13.20
\$16 to \$16.99	6.40	\$82 to \$83.99	13.40
\$17 to \$17.99	6.80	\$84 to \$85.99	13.60
\$18 to \$18.99	7.20	\$86 to \$87.99	13.80
\$19 to \$19.99	7.60	\$88 to \$89.99	14.00
\$20 to \$20.99	8.00	\$90 to \$91.99	(1)
\$21 to \$21.99	8.40	\$92 to \$93.99	(2)
\$22 to \$22.99	8.80	\$94 to \$95.99	(3)
\$23 to \$23.99	9.20	\$96 to \$97.99	(4)
\$24 to \$24.99	9.60	\$98 to \$99.99	(5)
\$25 to \$25.99	10.00	\$100 to \$109.99	(6)
\$26 to \$26.99	10.40	\$110 and over	(7)
\$27 to \$27.99	10.80		
\$28 to \$28.99	11.20		
\$29 to \$29.99	11.60		
\$30 to \$30.99	12.00		
\$31 to \$31.99	12.40		

¹ Increase to \$200.

² No increase.

§ 704.33 Payments limited to \$2,500. The total of all payments made in connection with the 1951 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of \$2,500. All or any part of any payment which has been or otherwise would be made to any person under the 1951 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device designed to evade, or which has the effect of evading, the provisions of this section.

CONSERVATION SERVICES

§ 704.36 Availability. To assist farmers in obtaining a larger volume of needed land clearing, land clearing services may be furnished by the ACP Branch to farmers for carrying out Practice 11, "Clearing Woodland for Tillage," as contained in § 704.21. Services may not be furnished to farmers who are on the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ACP Branch that it temporarily waives its rights to set-off in order to permit the furnishing of the service.

§ 704.37 Cost to producer in cash. The producer shall pay that part of the

cost of land clearing, as established by the ACP Branch, which is in excess of the credit for the service in carrying out the practice.

§ 704.38 Deduction. A deduction shall be made for the service furnished by the ACP Branch from the payment of the producer to whom the service is furnished. The deduction shall be the credit value of the conservation service furnished, except that where the cost to the ACP Branch is less than the credit rate, the deduction shall be equal to the cost. If a land clearing service is furnished and the farmer uses the land for purposes other than those authorized in § 704.21 for Practice 11, "Clearing Woodland for Tillage," during the 1951 program year, an additional deduction equal to the original amount of the deduction for the service so misused shall be made. If the deduction for the service exceeds the payment for the farmer to whom the service is furnished, the amount of the difference shall be paid by the farmer to the Treasurer of the United States.

GENERAL PROVISIONS RELATING TO PAYMENT

§ 704.41 Failure to maintain practices under previous programs. If the State office determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices, or the effectiveness of any such practice is destroyed during the 1951 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1951 practice rate, or if the practice is not offered in 1951, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 704.32.

§ 704.42 Practices defeating purposes of programs. If the State Office finds that any producer has adopted, or participated in adopting, any practice which tends to defeat the purposes of the 1951 or previous agricultural conservation programs, it may withhold, or require to be refunded, all or any part of any payment which has been or would be computed for such person.

§ 704.43 Depriving others of payment. If the State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1951 program.

§ 704.44 Failure to carry out approved erosion-control measures. Payment will not be made to any person with respect to any farm which he owns or operates in Alaska if the State Office finds that he has been negligent and

careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1951 program year to other land in the community.

§ 704.45 Filing of false claims. If the State Office finds that any producer has knowingly filed claim for payment under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 704.46 Misuse of purchase orders. If the State Office finds that any producer has knowingly used a purchase order issued to him for conservation services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such producer shall not be eligible to receive any payment under the program and shall refund all payments that may have been made to him under the program. The withholding or refunding of payments will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 704.47 Payment computed and made without regard to claims. Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 704.48 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 718 of this chapter)); and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 704.48 Assignment. Any person who may be entitled to any payment in connection with the 1951 program may assign his payment, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1951. No assignment will be recognized, unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70-Insular Region.

§ 704.49 Practices carried out with State or Federal aid. The assistance for any practice shall not be reduced because it is carried out with services furnished by the ACP Branch or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total assistance for any practice performed shall be reduced for purposes of payment by the value of the aid, as determined by the State Office. Services furnished or used by a State or Federal agency for the perform-

ance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

APPLICATION FOR PAYMENT

§ 704.51 *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm, except where his only payment is earned with conservation services furnished by the ACP Branch in an amount that no small payment increase is due.

§ 704.52 *Time and manner of filing applications and information required.* Payment will be made only upon application submitted on the prescribed form which should be filed in the State Office or with a representative of the State Office on or before March 31, 1952. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the State Office within the time fixed by the Director of the ACP Branch, except that any time limit established may be extended, but not later than December 31, 1952, by the State Office if failure to timely submit the form or information requested was due to conditions over which the farmer had no control. At least two weeks' notice to the public shall be given of the expiration of the time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed.

APPEALS

§ 704.56 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The State Office shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Director, ACP Branch, to review the decision of the State Office. Written notice of any decision rendered under this section by the State Office shall also be issued to each other producer on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 704.61 *Bulletins, instructions, and forms.* The ACP Branch is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1951 program as it applies to Alaska, and forms will be available in the State Office. Producers wishing to participate in the program should obtain all information needed from the State Office.

DEFINITIONS

§ 704.66 *Definitions.* For the purposes of the 1951 program:

(a) "Secretary" means the Secretary of Agriculture of the United States.

(b) "Director" means the Director of the Agricultural Conservation Programs Branch, Production and Marketing Administration.

(c) "ACP Branch" means the Agricultural Conservation Programs Branch of the Production and Marketing Administration.

(d) "State" means Alaska.

(e) "State Office" means the office of the Director of Extension, University of Alaska, College, Alaska.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and, wherever applicable, a State, Territory, or Possession, or a political subdivision or agency thereof.

(g) "Producer" means any person who, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(h) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm or range land which the State Office, in accordance with instructions issued by the ACP Branch, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with work stock, farm machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Cropland" means farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind-erosion hazard to the community.

(j) "Pasture land" means farm land, other than range land, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(k) "Range land" means any land which produces or can produce forage suitable for grazing by range livestock without cultivation or general irrigation.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 704.71 *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under Sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1143, 16 U. S. C. 590g-590q).

§ 704.72 *Availability of funds.* (a) The provisions of the 1951 program are necessarily subject to such legislation as

the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1951 program will not be available for the payment of applications filed after December 31, 1952.

§ 704.73 *Applicability.* (a) The provisions of the 1951 program contained herein are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2) grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by Alaska or a political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal land banks and production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, the Federal Farm Mortgage Corporation, the departments comprising the National Military Establishment, or by any other Government agency designated by the ACP Branch; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9857; Filed, Nov. 3, 1950; 8:51 a. m.]

[1023 (Maryland-51)-3]

PART 727—MARYLAND TOBACCO

MARKETING QUOTA REGULATIONS, 1951-52
MARKETING YEAR

GENERAL

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727.211	Basis and purpose.
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HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

- Sec.
- 727.216 Determination of harvested acreage for old farms.
- 727.217 Determination of 1951 preliminary acreage allotments for old farms.
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ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

- 727.224 Determination of acreage allotments for new farms.
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MISCELLANEOUS

- 727.227 Determination of acreage allotments and normal yields for farms returned to agricultural production.
- 727.228 Approval of determinations made under §§ 727.211 to 727.227.
- 727.229 Application for review.

AUTHORITY: §§ 727.211 to 727.229 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 313, 363, 52 Stat. 38, 47, 63, as amended; 7 U. S. C. 1301, 1313, 1363.

GENERAL

§ 727.211 *Basis and purpose.* The regulations contained in §§ 727.211 to 727.229 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the establishment of 1951 farm acreage allotments and normal yields for Maryland tobacco. The purpose of the regulations in §§ 727.211 to 727.229 is to provide the procedure for allocating, on an acreage basis, the State marketing quota for Maryland tobacco for the 1951-52 marketing year among farms and for determining normal yields. Prior to preparing the regulations in §§ 727.211 to 727.229, public notice (15 F. R. 6598) was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations pertaining to the regulations in §§ 727.211 to 727.229, which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since the act requires the mailing of notices of farm acreage allotments to operators prior to the date of the referendum, which must be held within 30 days after the date of the proclamation of the national marketing quota, it is hereby found that compliance with the 30-day effective date of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the regulations in this part will become effective upon the date of their publication in the FEDERAL REGISTER.

§ 727.212 *Definitions.* As used in §§ 727.211 to 727.229, and in all instructions, forms, and documents in connection therewith the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) *Committees.* (1) "Community committee" means the group of persons elected within a community as the community committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the community.

(2) "County committee" means the group of persons elected within a county as the county committee of the Production and Marketing Administration to assist in administering the Production and Marketing Administration programs within the county.

(3) "State committee" means the group of persons designated as the State committee of the Production and Marketing Administration, charged with the responsibility of administering Production and Marketing Administration programs within the State.

(b) *Farm.* "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Assistant Administration for Production, Production and Marketing Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(c) *New farm.* "New farm" means a farm on which tobacco will be produced in 1951 for the first time since 1945.

(d) *Old farm.* "Old farm" means a farm on which tobacco was produced in one or more of the five years 1946 through 1950.

(e) *Cropland.* "Cropland" means a farm land which in 1950 was tilled or was in regular crop rotation, excluding (1) bearing orchards and vineyards (except the acreage of cropland therein), (2) plowable noncrop open pasture, and (3) any land which constitutes or will constitute, if tillage is continued, a wind erosion hazard to the community.

(f) *Operator.* "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(g) *Person.* "Person" means an individual, partnership, association, corporation, estate or trust or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(h) *Tobacco.* "Tobacco" means Maryland tobacco, type 32, as classified in Service and Regulatory Announcement No. 118 (7 CFR Part 30) of the Bureau of Agricultural Economics of the

United States Department of Agriculture.

§ 727.213 *Extent of calculations and rule of fractions.* All acreage allotments shall be rounded to the nearest one-tenth acre. Fractions of fifty-one thousandths of an acre or more shall be rounded upward, and fractions of five-hundredths of an acre or less shall be dropped. For example, 1.051 would be 1.1 and 1.050 would be 1.0.

§ 727.214 *Instructions and forms.* The Director, Tobacco Branch, Production and Marketing Administration, shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions as are necessary, for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Assistant Administrator for Production, Production and Marketing Administration.

§ 727.215 *Applicability of §§ 727.211 to 727.229.* Sections 727.211 to 727.229 shall govern the establishment of farm acreage allotments and normal yields for tobacco in connection with farm marketing quotas for the marketing year beginning October 1, 1951. The applicability of §§ 727.211 to 727.229 is contingent upon the proclamation of a national marketing quota for Maryland tobacco by the Secretary, and the approval thereof by growers voting in a referendum pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended.

HARVESTED ACREAGE, ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR OLD FARMS

§ 727.216 *Determination of harvested acreage for old farms.* The county committee shall determine from the best available data the actual harvested acreage for each of the years 1946-50 for all old tobacco farms. Data for making such determinations shall be taken from county office records, producers' sales records, producers' reports, and estimates of other persons having knowledge of tobacco produced on the farm. In determining the harvested acreage for any year, consideration shall be given to drought, flood, hail and other abnormal weather conditions.

§ 727.217 *Determination of 1951 preliminary acreage allotments for old farms.* The preliminary acreage allotment for an old farm shall be the largest of the following:

(a) The average acreage of tobacco harvested on the farm in the five years 1946-50, except that if the five-year average is in excess of the three-year, 1948-50, average, it shall be reduced to the larger of such three-year average or 50 percent of the five-year average.

(b) 80 percent of the average acreage of tobacco harvested on the farm in the three years 1948-50.

(c) 50 percent of the acreage of tobacco harvested on the farm in 1950.

§ 727.218 *1951 old farm tobacco acreage allotment.* The preliminary allotments calculated for all old farms in the State pursuant to § 727.217 shall be

adjusted uniformly so that the total of such allotments plus the acreage available for adjusting acreage allotments for old farms pursuant to § 727.219 shall not exceed the State acreage allotment: *Provided*, That if the acreage allotment so determined for any farm (except farms operated, controlled, or directed by a person who also operates, controls, or directs another farm on which tobacco is produced) is less than that acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco, then such acreage allotment shall be increased to the smaller of (a) 120 percent thereof, or (b) the acreage which, with the normal yield for the farm, would produce 2,400 pounds of tobacco.

§ 727.219 *Adjustment of acreage allotments for old farms.* The allotment for an old farm may be adjusted if the community committee, with the approval of the county committee, finds it to be smaller in relation to the past acreage of tobacco (harvested and diverted), taking into consideration the effect of plant bed and other diseases; land, labor, and equipment available for the production of tobacco, and crop-rotation practices, than the average of the allotments for other old farms in the community in relation to such factors: *Provided*, that the allotment as adjusted shall not exceed the acreage capacity of barn space which is in usable condition and available for curing tobacco produced on the farm. The acreage available for increasing allotments under this section shall not exceed 5 percent of the 1951 State acreage allotment.

§ 727.220 *Determination of harvested acreage for divided or combined farms.* If land operated as a single farm in any of the five years 1946-50 has since been divided into two or more tracts, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year: *Provided*, That with the recommendation of the county committee, and approval of the State committee, the harvested acreage of tobacco for the farm for the respective years in which the land was operated as a single farm may be apportioned among the tracts in the same proportion as the average acreage of tobacco harvested on each such tract bore to the average of the acreage of tobacco harvested on the entire farm in such years.

If land operated as two or more farms in any of the five years 1946-50 has since been combined into one farm, the harvested acreage of tobacco for the farm shall be the sum of the harvested acreage on the separate tracts.

§ 727.221 *Reallocation of allotments released from farms removed from agricultural production.* The allotment determined or which would have been de-

termined for any land which is removed from agricultural production for any purpose because of acquisition by any Federal, State, or other agency having a right of eminent domain shall be placed in a State pool and shall be available to the State committee for use in providing equitable allotments for farms owned or purchased by owners displaced because of acquisition of their farms by such agencies. Upon application to the county committee, within five years from the date of such acquisition of the farm, any owner so displaced shall be entitled to have an allotment for any other farm owned or purchased by him equal to an allotment which would have been determined for such other farm plus the allotment which would have been determined for the farm so acquired: *Provided*, That such allotment shall not exceed 20 percent of the acreage of cropland on the farm.

§ 727.222 *Farms divided or combined.*

(a) If land operated as a single farm in 1950 will be operated in 1951 as two or more farms, the 1951 preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm shall be apportioned among the tracts in the same proportion as the acreage of cropland suitable for the production of tobacco in each such tract in such year bore to the total number of acres of cropland suitable for the production of tobacco on the entire farm in such year, except that the preliminary tobacco acreage allotment determined or which otherwise would have been determined for the entire farm may be apportioned among the tracts in the same proportion as the five-year average of tobacco harvested on each such tract bore to the five-year average of the acreage of tobacco harvested on the entire farm: *Provided*, That with the recommendation of the county committee and approval of the State committee, the preliminary tobacco acreage allotment determined for a tract under the provisions of this paragraph may be increased or decreased by not more than the larger of one-tenth acre or 10 percent of the 1951 preliminary acreage allotment determined for the entire farm with corresponding increases or decreases made in the preliminary acreage allotment apportioned to the other tract or tracts.

(b) If two or more farms operated separately in 1950 are combined and operated in 1951 as a single farm, the 1951 preliminary allotment shall be the sum of the 1951 preliminary allotments determined for each of the farms composing the combination.

(c) If a farm is to be divided in 1951 in settling an estate, the preliminary allotment may be divided among the various tracts in accordance with paragraph (a) of this section, or on such other basis as the State committee may prescribe.

§ 727.223 *Determination of normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1945-49, (b) the soil

and other physical factors affecting the production of tobacco on the farm; and (c) the yields obtained on other farms in the locality which are similar with respect to such factors.

ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR NEW FARMS

§ 727.224 *Determination of acreage allotments for new farms.* The acreage allotment, other than an allotment made under § 727.221, for a new farm shall be that acreage which the county committee determines is fair and reasonable for the farm taking into consideration the past tobacco experience of the farm operator; the land, labor, and equipment available for the production of tobacco; crop-rotation practices; and the soil and other physical factors affecting the production of tobacco: *Provided*, That the acreage allotment so determined shall not exceed 75 percent of the allotments for old tobacco farms which are similar with respect to land, labor, and equipment available for the production of tobacco, crop-rotation practices, and the soil and other physical factors affecting the production of tobacco.

Notwithstanding any other provisions of this section a tobacco acreage allotment shall not be established for any new farm unless each of the following conditions has been met:

(a) The farm operator shall have had experience in growing the kind of tobacco for which an allotment is requested during one of the past five years: *Provided, however*, That a farm operator who was in the armed services during World War II shall be deemed to have met the requirements hereof if he has had experience in growing the kind of tobacco for which an allotment is requested during one year either within the five years immediately prior to his entry into the armed services or since his discharge from the armed services.

(b) The farm operator shall be largely dependent for his livelihood on the farm covered by the application.

(c) The farm covered by the application shall be the only farm owned or operated by the owner or farm operator for which a Maryland tobacco allotment is established for the 1951-52 marketing year; and

(d) The farm will not have a 1951 allotment for any kind of tobacco other than that for which application is made hereunder.

The acreage allotments established as provided in this section shall be subject to such downward adjustment as is necessary to bring such allotments in line with the total acreage available for allotment to all new farms. One percent of the 1951 national marketing quota shall, when converted to an acreage allotment by the use of the national average yield, be available for establishing allotments for new farms. The national average yield shall be the average of the several State yields used in converting the State marketing quota into State acreage allotments.

§ 727.225 *Time for filing application.* An application for a new farm allotment shall be filed with the county committee prior to February 1, 1951, unless the farm

operator was discharged from the armed services subsequent to December 31, 1950, in which case such application shall be filed within a reasonable period prior to planting tobacco on the farm.

§ 727.226 *Determination of normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

MISCELLANEOUS

§ 727.227 *Determination of acreage allotments and normal yields for farms returned to agricultural production.* (a) Notwithstanding the foregoing provisions of §§ 727.211 to 727.226, the preliminary acreage allotments for any farm which was acquired by any Federal, State, or other agency having the right of eminent domain for any purpose and which is returned to agricultural production shall be the sum of the acreages of tobacco harvested on the farm during the five years 1946-50 divided by the number of years for which tobacco was harvested on the farm during such five-year period. If no tobacco was harvested on the farm during the five years 1946-50, the farm returned to agricultural production shall be regarded as a new farm.

(b) The normal yield for any such farm shall be that yield per acre which the county committee determines is reasonable for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar.

§ 727.228 *Approval of determinations made under §§ 727.211 to 727.227.* The State committee will review all allotments and yields and may correct or require correction of any determinations made under §§ 727.211 to 727.227. All acreage allotments and yields shall be approved by the State committee, and no official notice of acreage allotment shall be mailed to a grower until such allotment has been approved by the State committee.

§ 727.229 *Application for review.* Any producer who is dissatisfied with the farm acreage allotment and marketing quota established for his farm, may, within fifteen days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such allotment reviewed by a review committee. The procedures governing the review of farm acreage allotments and marketing quotas are contained in the regulations issued by the Secretary (7 CFR Part 711) which are available at the office of the county committee.

Done at Washington, D. C., this 1st day of November 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-9854; Filed, Nov. 3, 1950; 8:51 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 186]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.489 *Orange Regulation 186—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 6, 1950. Shipments of oranges, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until November 6, 1950; the recommendation and supporting information for continued regulation subsequent to November 5, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 6, 1950, and ending at 12:01 a. m., e. s. t., November 20, 1950, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in Regulation Area I which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(iii) Any oranges, except Temple oranges, grown in Regulation Area II which grade U. S. No. 2 or U. S. No. 2 Bright unless such oranges (a) are in the same container with oranges which grade at least U. S. No. 1 Russet and (b) are not in excess of 50 percent, by count, of the number of all oranges in such container; or

(iv) Any oranges, except Temple oranges, grown in Regulation Area I or Regulation Area II which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, the terms "handler," "ship," "Regulation Area I," "Regulation Area II," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," "container," and "standard nailed box" shall each have the same meaning as when used in the revised United States Standards for Oranges (7 CFR 51.192; 14 F. R. 6931).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of November 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 50-9868; Filed, Nov. 3, 1950; 8:55 a. m.]

[Grapefruit Reg. 130]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.490 *Grapefruit Regulation 130—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 6, 1950. Shipments of grapefruit grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since September 11, 1950, and will so continue until November 6, 1950; the recommendation and supporting information for continued regulation subsequent to November 5 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 6, 1950, and ending at 12:01 a. m., e. s. t., November 20, 1950, no handler shall ship:

(i) Any grapefruit of any variety, grown in Regulation Area I, which do not grade at least U. S. No. 2;

(ii) Any white seeded grapefruit grown in Regulation Area I, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iv) Any pink seeded grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(v) Any grapefruit of any variety, grown in Regulation Area II, which grade U. S. No. 3 or lower than U. S. No. 3 Grade;

(vi) Any white seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any pink seeded grapefruit, grown in Regulation Area II, unless such grapefruit grade at least U. S. No. 2 Russet and are of a size not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any pink seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Russet, unless such grapefruit are not smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xi) Any pink seedless grapefruit, grown in Regulation Area II, which grade at least U. S. No. 2, unless such grapefruit are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "Regulation Area I," "Regulation Area II," "handler," "variety," "ship," and "Growers Administrative Committee," shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Grapefruit (7 CFR 51.191; 14 F. R. 6828).

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of November 1950.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 50-9869; Filed, Nov. 3, 1950; 8:55 a. m.]

[Tangerine Reg. 99]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.491 *Tangerine Regulation 99—*

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part

933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than November 6, 1950. Shipments of tangerines, grown in the State of Florida, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 23, 1950, and will so continue until November 6, 1950; the recommendation and supporting information for continued regulation subsequent to November 5 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on October 31; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 6, 1950, and ending at 12:01 a. m., e. s. t., November 20, 1950, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(i) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19½ inches; capacity 1,726 cubic inches).

(2) As used in this section "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2" and "standard pack" shall have the same meaning as when used in the United States Standards for Tangerines (7 CFR 51.416).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup., 608c)

Done at Washington, D. C., this 2d day of November 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 50-9870; Filed, Nov. 3, 1950;
8:55 a. m.]

[Lemon Reg. 355]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.462 *Lemon Regulation 355*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 1, 1950; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an

opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. S. T., November 5, 1950, and ending at 12:01 a. m., P. S. T., November 12, 1950, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 250 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 2d day of November 1950.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

Storage date: October 29, 1950

[12:01 a. m. Nov. 5, 1950, to 12:01 a. m.
Nov. 19, 1950]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Co- rona	.093
American Fruit Growers, Inc., Ful- lerton	.068
American Fruit Growers, Inc., Up- land	.042
Eadington Fruit Co.	.020
Hazeltine Packing Co.	.360
Ventura Coastal Lemon Co.	3.292
Ventura Pacific Co.	3.037
Glendora Lemon Growers Associa- tion	1.293
La Verne Lemon Association	.621
La Habra Citrus Association	.465
Yorba Linda Citrus Association, The	.349
Escondido Lemon Association	1.646
Alta Loma Heights Citrus Associa- tion	.295
Etiwanda Citrus Fruit Association	.216
Mountain View Fruit Association	.222
Old Baldy Citrus Association	.710
San Dimas Lemon Association	.951
Upland Lemon Growers Association	5.080
Central Lemon Association	.137

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Irvine Citrus Association, The	0.175
Placentia Mutual Orange Associa- tion	.234
Corona Citrus Association	.056
Corona Foothill Lemon Co.	1.279
Jameson Co.	.484
Arlington Heights Citrus Co.	.264
College Heights Orange & Lemon As- sociation	8.421
Chula Vista Citrus Association, The	.968
El Cajon Valley Citrus Association	.014
Escondido Cooperative Citrus Associa- tion	.101
Fallbrook Citrus Association	1.093
Lemon Grove Citrus Association	.274
Carpinteria Lemon Association	4.438
Carpinteria Mutual Citrus Associa- tion	4.853
Goleta Lemon Association	6.741
Johnston Fruit Co.	8.543
North Whittier Heights Citrus Associa- tion	.204
San Fernando Heights Lemon Associa- tion	1.138
Sierra Madre-Lamanda Citrus Associa- tion	.875
Briggs Lemon Association	2.206
Culbertson Lemon Association	2.215
Fillmore Lemon Association	.718
Oxnard Citrus Association	7.635
Rancho Sespe	.247
Santa Clara Lemon Association	3.833
Santa Paula Citrus Fruit Associa- tion	1.849
Saticoy Lemon Association	5.616
Seaboard Lemon Association	6.343
Somis Lemon Association	3.983
Ventura Citrus Association	1.728
Ventura County Citrus Association	.003
Limoneira Co.	2.134
Teague-McKevett Association	.538
East Whittier Citrus Association	.275
Leffingwell Rancho Lemon Associa- tion	.252
Murphy Ranch Co.	.639
Whittier Citrus Association	.090
Chula Vista Mutual Lemon Associa- tion	.650
Index Mutual Association	.139
La Verne Cooperative Citrus Associa- tion	1.426
Orange Belt Fruit Distributors	.393
Ventura County Orange & Lemon Association	2.829
Whittier Mutual Orange & Lemon Association	.110
Latimer, Harold	.020
Treesweet Products Co.	.000

[F. R. Doc. 50-9913; Filed, Nov. 3, 1950;
8:52 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Amdt 298]

PART 825—REGULATIONS UNDER THE HOUS- ING AND RENT ACT OF 1947, AS AMENDED

WASHINGTON

Amendment 298 to the Controlled Housing Rent Regulation (§§ 825.1 to 825.12). Said rent regulation is hereby amended in the following respect:

A new item is added to Schedule B to read as follows:

73. Provisions relating to King County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area.

Decontrol of specified classes of housing accommodations on Housing Expediter's own initiative. In accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended, the application of §§ 825.1-12 is hereby terminated, effective November 1, 1950, with respect to housing accommodations in King County, Washington, a portion of the Puget Sound, Washington, Defense-Rental Area, which met the following description on July 1, 1950:

(1) Housing accommodations consisting of a one-family building or located in a two-family building, where such housing accommodations (a) had a maximum rent of at least \$80 per month, unfurnished, or \$85 per month, furnished, and (b) consisted of at least four, but not more than five and one-half, rooms which included a living-room of at least 140 square feet, a kitchen, one or more bedrooms, and either a full dining room or an attached dinette; or

(2) Housing accommodations located in a building containing three or more dwelling units, where such housing accommodations (a) had a maximum rent of at least \$80 per month, unfurnished, or \$85 per month, furnished, and (b) consisted of at least four, but not more than five and one-half, rooms which included a living-room of at least 140 square feet, a kitchen, one or more bedrooms, and either a full dining room or an attached dinette.

For purposes of this decontrol provision:

(i) A "one-half" room means an attached dinette, provided that where the dinette is attached to the kitchen, the floor area of the kitchen-dinette combination must be at least 100 square feet.

(ii) Bathrooms, halls, closets and foyers shall not be counted as rooms.

(iii) Where alternate maximum rents were in effect for alternate conditions, such as with or without garage or other additional service or equipment, the maximum rent to be used shall be that which excludes the additional service or equipment.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This amendment shall be effective November 1, 1950.

Issued this 1st day of November 1950.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 50-9822; Filed, Nov. 3, 1950; 8:49 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce

Subchapter C—Office of International Trade

[5th Gen. Rev. of Export Regs., Amdt. 22]¹

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 370.10 *Shipments entering foreign trade zones*, paragraph (b) is amended to read as follows:

¹ This amendment was published as subjects I, II, III, and IV of Current Export Bulletin No. 590 dated October 26, 1950.

(b) *Shipments originating in Japan.* Shipments of Positive List commodities (§ 399.1 of this chapter) originating in Japan (excluding the commodities listed in § 371.9 (c) of this chapter) and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce only when exported to the country of ultimate destination named in the bill of lading covering the shipment from Japan or when exported to a country of ultimate destination to which the same commodity could be exported from the United States under general license GO. In every such case, the exporter shall submit, and the United States collector of customs shall require production of, either an original or true copy of the bill of lading covering the shipment from Japan to establish that the shipment is exportable from the foreign trade zone without a license. The exporter also must state on the Shipper's Export Declaration (Commerce Form 7513) or on the Shipper's Export Declaration (Commerce Form 7525-V), in items 9 to 10, the fact that the shipment originated in Japan.

2. Section 371.9 *General in-transit license GIT*, paragraph (b) *Special provisions*, subparagraph (2) is amended to read as follows:

(2) *Shipments originating in Japan.* The provisions of this general license GIT are not applicable to shipments of Positive List commodities (§ 399.1 of this chapter) originating in Japan and moving in transit through the United States unless the exportation from the United States is to the country of ultimate destination named in the bill of lading covering the shipment from Japan. In every such case, the exporter shall submit, and the United States collector of customs shall require production of, either an original or true copy of the bill of lading covering the shipment from Japan to establish that the shipment is exportable under the provisions of this general license. The exporter also must state on the Shipper's Export Declaration (Commerce Form 7513) or on the Shipper's Export Declaration (Commerce Form 7525-V), in items 9 to 10, the fact that the shipment originated in Japan.

NOTE: Shipments of Positive List commodities which originate in Japan require a validated license for export from the United States unless exportable under the provisions of this general license GIT or of general license GO. (See § 373.14 of this chapter.) For exportations of such commodities from foreign trade zones, see § 370.10 of this chapter.

3. Section 371.18 *Return of certain commodities imported into the United States GLR*, paragraph (a) is amended to read as follows:

(a) *Machinery, or parts of machinery.* Machinery, or parts of machinery, shipped to the United States for repair purposes may be returned to the country of origin, as well as replacement or rebuilt parts which are substituted when the identical parts imported are not returned.

The provisions of this paragraph do not apply to

(1) Destinations in Subgroup A; and
(2) The following commodities: Precision instruments; tools or devices incorporating diamonds, including such tools or devices when shipped as an integral part of a machine.

4. Part 371 *General licenses* is amended by adding thereto a new § 371.25 to read as follows:

§ 371.25 *General license GMC, unmanufactured cotton of Mexican growth.* A general license designated GMC is hereby established, authorizing the exportation of raw cotton and linters, Schedule B Nos. 300311, 300312, 300402, 300403, 300405 and 300406, of Mexican growth: *Provided*, That such cotton and linters are exported from U. S. Bureau of Customs custody and no consumption entry therefor has been officially accepted at a United States customhouse.

5. Section 373.16 *Special provisions for certain commodities: evidence of availability*, paragraph (b) is amended to read as follows:

(b) *Commodities.* The requirements of this section are applicable to the following Positive List commodities:

Sulfur, crude, crushed, ground, refined, sublimed, and flowers: Schedule B Nos. 571400 and 571500.
Aluminum and manufactures: Schedule B Nos. 630000 through 630998.
Copper and manufactures: Schedule B Nos. 640100 through 643998.
Brass and bronze manufactures: Schedule B Nos. 644000 through 647998.
Zinc and manufactures: Schedule B Nos. 657050 through 659998.
Electrical machinery and apparatus: Schedule B Nos. 709810 through 709850.
Tinplate: Schedule B Nos. 604000, 604110, 604150, 604170 and 604200.
All iron and steel products with the processing code STEE.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Sup., 2023. E. O. 9630, Sept. 27, 1945, 10 F. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 26, 1950.

LORING K. MACY,
Deputy Director,
Office of International Trade.

[F. R. Doc. 50-9789; Filed, Nov. 3, 1950; 8:45 a. m.]

[5th Gen. Rev. of Export Regs., Amdt. P. L. 21]¹

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

§ 399.1 Appendix A—*Positive List of Commodities* is amended in the following particulars:

1. The entry on the Positive List for crude asbestos and spinning fibers, unmanufactured, Schedule B No. 545110, is revised and amended to read as follows:

¹ This amendment was published in Current Export Bulletin No. 590 dated October 26, 1950.

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
445110	Other nonmetallic minerals (precious included): Asbestos: Crude asbestos and spinning fibers, unmanufactured, of the following grades only: Amosite standard commercial grades B-1, B-3, D-3, and D3/M1; chrysotile standard commercial grades C & G1, C & GP1, C & G2, and C & GP2; chrysotile, Arizona Crude 1 and Crude 2, or the equivalent of any of the above grades. ¹	L. ton	NONF	100	RO

¹ The effect of this amendment is to delete from the Positive List all crude asbestos and spinning fibers, unmanufactured, not specifically described in the above revised entry for Schedule B No. 545110.

2. The entries on the Positive List for induction furnaces, vacuum metal-melting, and component parts thereof, other electric industrial melting and refining furnaces, and parts, Schedule B No. 707410; electric industrial heat-treating furnaces, and parts, Schedule

B No. 707420; electric industrial heating units and devices, n. e. s., Schedule B No. 707492; laboratory furnaces, and parts for laboratory furnaces, Schedule B No. 919098, are revised and amended to read as follows:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
707410	Electrical machinery and apparatus: All electric industrial melting and refining furnaces, and parts, including frequency generators. ¹		ELME 2	None	RO
707420	Electric industrial annealing and heat-treating furnaces, and parts. ²		ELME 1	100	R
707492	Laboratory furnaces and parts, electrical, of the following types only: muffle furnaces; combustion furnaces; crucible furnaces. ³		ELME 1	None	R
	Scientific and professional instruments, apparatus, and supplies, n. e. s.: Scientific instruments, and laboratory apparatus, and parts, n. e. s., including laboratory-grade instruments and devices and standards of greater than 1/2 of 1% accuracy of full-scale deflection or value (report similar items having industrial, rather than laboratory, application in 703620, 703700, 703820, or 774098):				
919098	Laboratory furnaces, other than electrical, of the following types only: muffle furnaces; combustion furnaces; and crucible furnaces (report laboratory furnaces, electrical, muffle, combustion, or crucible types in 707492). ⁴		SATE	200	R
919098	Parts for laboratory furnaces other than electrical, of the following types only: muffle furnaces; combustion furnaces; and crucible furnaces (report parts for laboratory furnaces, electrical, muffle, combustion, or crucible types in 707492). ⁵		SATE	None	R

¹ The above revised entry for this Schedule B number is substituted for the two present entries on the Positive List. The effect of this amendment is to change from R to RO control electric industrial melting and refining furnaces and parts other than induction furnaces, vacuum metal-melting, and component parts thereof.

² This amendment clarifies the commodity description without making substantive change.
³ The effect of this amendment is to delete from the Positive List those electric industrial heating units and devices not specifically described in the above revised entry for this Schedule B number and to add parts for laboratory furnaces, electrical, of the following types only: Muffle furnaces; combustion furnaces; and crucible furnaces, as R commodities.

⁴ The effect of this amendment is to delete from the Positive List those laboratory furnaces not specifically described in the above revised entry for this Schedule B number.

⁵ The effect of this amendment is to delete from the Positive List parts for laboratory furnaces not specifically described in the above revised entry for this Schedule B number.

3. The "GLV dollar-value limits" is changed as set forth below:

Dept. of Commerce Schedule B No.	Commodity	GLV dollar-value limits
630301	Aluminum and manufactures: Aluminum and aluminum-base alloys: Sheets, plates, and strips (0.006 inch and over in thickness) (report venetian blind stock in 630998).	100

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations, or whose GLV dollar-value limits were reduced, as a result of the changes

set forth in Parts 1, 2 and 3 of this amendment, which were on dock, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions.

(Sec. 3, 63 Stat. 7; 50 U. S. C. App. Supp. 2023, E. O. 9630, Sept. 27, 1945, 10 P. R. 12245, 3 CFR, 1945 Supp.; E. O. 9919, Jan. 3, 1948, 13 P. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of October 26, 1950.

LORING K. MACY,
Deputy Director,
Office of International Trade.
[P. R. Doc. 50-9788; Filed, Nov. 3, 1950;
8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 535—PAYMENT OF BILLS AND ACCOUNTS

PAYMENT OF TRANSPORTATION ACCOUNTS

Paragraph (b) of § 535.22 is amended to read as follows:

§ 535.22 *By whom paid.* * * *

(b) *Outside continental limits of United States.* (1) Effective July 1, 1950, accounts pertaining to Department of the Army and Department of the Air Force bills of lading issued for service within the Caribbean or Pacific area, Philippine Islands, and in foreign countries covering ocean berth rate shipments and bearing "receipted" date of July 1, 1950, and thereafter, will be paid by the U. S. Navy Regional Accounts Office, Washington, D. C. Such transportation accounts will be forwarded to Commander, Military Sea Transportation Service, Department of the Navy, Washington 25, D. C.

(2) Transportation accounts outstanding as of June 30, 1950, will be settled by the Department of the Army or Department of the Air Force, as appropriate.

(3) Transportation requests issued for service within the Caribbean or Pacific area, Philippine Islands, and in foreign countries will be paid by a disbursing officer in the area concerned.

[C 4, AR 35-6120, Oct. 23, 1950] (R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.
The Adjutant General.

[P. R. Doc. 50-9817; Filed, Nov. 3, 1950;
8:50 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 205—DUMPING GROUNDS REGULATIONS

NEW YORK HARBOR AND ADJACENT WATERS

Pursuant to the provisions of the act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City approved June 29, 1888 (25 Stat. 209), as amended (33 U. S. C. 441-451), § 205.10 governing dumping in the harbor of New York, its adjacent and tributary waters, and Long Island Sound, is hereby amended as follows:

§ 205.10 *New York Harbor, its adjacent and tributary waters, and Long Island Sound.* (a) Dumping in New York Harbor, its adjacent and tributary waters, and Long Island Sound is under the supervision of the Supervisor of New York Harbor, Room 303, 17 Battery Place, New York 4, New York. Prior permit must be obtained from the

supervisor of New York Harbor for all dumping.

NOTE: The following types of "forbidden matter or substance" are referred to in the act of June 29, 1888, as amended, and may not be transported or dumped in the waters covered by this section without a permit: "Refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state" (33 U. S. C. 441); "dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description" (33 U. S. C. 445); "sludge, acid, or other injurious material" (33 U. S. C. 446); "mud, dirt, sand, dredgings, and material of every kind and description whatever taken, dredged, or excavated from any slip, basin, or shoal in the harbor of New York, or the waters adjacent or tributary thereto" (33 U. S. C. 449).

(b) All material originating in New York Harbor, Hudson River south of Hastings, New York, and East River west of Throgs Neck is required to be dumped at sea. Material originating east of Throgs Neck is required to be dumped in Long Island Sound.

(c) The dumping areas described in paragraphs (d), (e), and (f) of this section are those generally designated in dumping permits issued by the Supervisor of New York Harbor. Dumping grounds are sounded periodically to determine whether excessive shoaling has occurred, and their location is subject to change. Upon consultation with the Supervisor, special dumping areas will be designated if the circumstances in specific cases warrant a change from the established areas.

(d) *Dumping grounds at mouth of New York Harbor*—(1) *Dumping ground for mud, one-man stone, steam ashes, and clean soil.* Not less than four nautical miles SE by S (magnetic) from Scotland Lightship, with Ambrose Channel Lightship bearing NE $\frac{3}{4}$ N (magnetic), in not less than 15 fathoms.

(2) *Dumping ground for derrick stone.* To a point not less than six and one-fourth nautical miles SE $\frac{1}{4}$ S (magnetic) from Scotland Lightship, with Ambrose Channel Lightship bearing N $\frac{1}{4}$ E (magnetic) four and one-fourth nautical miles, in not less than 17 fathoms.

(3) *Dumping ground for sewage sludge.* To a point not less than eight nautical miles ESE (magnetic) from Scotland Lightship, with Ambrose Channel Lightship bearing NW $\frac{1}{4}$ W (magnetic) four nautical miles, in not less than 12 fathoms.

(4) *Dumping ground for wrecks.* To a point not less than 15 nautical miles SSE Southerly (magnetic) from Scotland Lightship, in not less than 25 fathoms.

(5) *Dumping ground for waste acid*—(i) *Summer season.* To an area south of latitude $40^{\circ}20'$ and east of longitude $73^{\circ}40'$.

(ii) *Winter season.* To an area south of latitude $40^{\circ}20'$ and east of longitude $73^{\circ}43'$.

(e) *Dumping grounds in Long Island Sound*—(1) *Stamford dumping ground.* An area two nautical miles long (44° true) and one nautical mile wide (316° true) from the center of which The Cows Lighted Bell Buoy 32 bears N by W

(magnetic) 2,700 yards, Stamford Harbor Light bears NNW $\frac{1}{4}$ W (magnetic) 4,650 yards, and Greens Ledge Light bears NE $\frac{1}{2}$ E (magnetic) 9,450 yards; depths ranging from 87 to 130 feet at mean low water.

(2) *Eatons Neck dumping ground.* An area two nautical miles long (60° true) and one nautical mile wide (337° true) with its center bearing NNW $\frac{1}{2}$ W (magnetic) from Eatons Neck Light 6,300 yards, and W $\frac{3}{4}$ N (magnetic) from Eatons Point Lighted Bell Buoy 11B 3,875 yards; depths ranging from 103 to 150 feet at mean low water.

(3) *Norwalk dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Greens Ledge Light bears N by E $\frac{1}{2}$ E (magnetic) 3,400 yards, and Stamford Harbor Light bears W by N $\frac{1}{4}$ N (magnetic) 8,800 yards; depths ranging from 71 to 99 feet at mean low water.

(4) *Southport dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Southport Light bears N by E (magnetic) 7,100 yards, and Cokenoe Island Shoal Lighted Bell Buoy 24 bears NW by W $\frac{1}{4}$ W (magnetic) 4,300 yards; depths ranging from 60 to 64 feet at mean low water.

(5) *Bridgeport dumping ground.* An area two nautical miles long (true east-west) and one nautical mile wide (true north-south) from the center of which Penfield Reef Light bears N (magnetic) 5,500 yards, and Pine Creek Lighted Bell Buoy 22 bears NW $\frac{3}{4}$ N (magnetic) 6,500 yards; depths ranging from 65 to 70 feet at mean low water.

(6) *Smithtown Bay dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Old Field Point Light bears SE by E $\frac{1}{2}$ E (magnetic) 9,500 yards, and Stratford Shoal (Middle Ground) Light bears ENE (magnetic) 13,000 yards; depths ranging from 81 to 109 feet at mean low water.

(7) *Port Jefferson dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Port Jefferson East Breakwater Light bears S $\frac{3}{4}$ E (magnetic) 4,875 yards, and Old Field Point Light bears SSW (magnetic) 4,000 yards; depths ranging from 97 to 155 feet at mean low water.

(8) *Milford dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Charles Island Rocks Lighted Bell Buoy 16 bears N (magnetic) 8,850 yards, Stratford Point Light bears NW $\frac{1}{4}$ N (magnetic) 8,150 yards, and Stratford Shoal (Middle Ground) Light bears SW by W $\frac{1}{2}$ W (magnetic) 9,150 yards; depths ranging from 61 to 67 feet at mean low water.

(9) *New Haven dumping ground.* An area two nautical miles long (true east-west) and one nautical mile wide (true north-south) from the center of which Southwest Ledge Light bears N $\frac{1}{4}$ W (magnetic) 10,750 yards, and Townshend Ledge Lighted Gong Buoy 10A bears NNE $\frac{1}{4}$ E (magnetic) 7,400 yards; depths ranging from 64 to 70 feet at

mean low water. A flashing white buoy marks the eastern limit of the major axis.

(10) *Branford dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Branford Reef Light bears N (magnetic) 6,100 yards, and Townshend Ledge Lighted Gong Buoy 10A bears NW $\frac{1}{2}$ N (magnetic) 8,000 yards; depths ranging from 63 to 72 feet at mean low water.

(11) *Falkner Island dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Falkner Island Light bears ENE $\frac{1}{2}$ E (magnetic) 5,900 yards, and Branford Reef Light bears NW $\frac{3}{4}$ W (magnetic) 9,700 yards; depths ranging from 64 to 75 feet at mean low water.

(12) *Mattituck dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Mattituck Breakwater Light bears S by W (magnetic) 6,000 yards, and Horton Point Light bears E (magnetic) 11,000 yards; depths ranging from 75 to 111 feet at mean low water.

(13) *Clinton Harbor dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Kelsey Point Breakwater Light bears NNE $\frac{1}{2}$ E (magnetic) 3,050 yards, and Long Sand Shoal West End Lighted Bell Buoy bears E $\frac{3}{4}$ S (magnetic) 5,400 yards; depths ranging from 79 to 114 feet at mean low water.

(14) *Cornfield Shoal dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Saybrook Breakwater Light bears N by E (magnetic) 4,900 yards, and Cornfield Point Lightship bears W $\frac{3}{4}$ S (magnetic) 2,875 yards; depths ranging from 114 to 121 feet at mean low water.

(15) *Orient Point dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Orient Point Light bears S by E $\frac{1}{2}$ E (magnetic) 3,350 yards, and Plum Island Light bears SE (magnetic) 3,200 yards; depths ranging from 120 to 210 feet at mean low water.

(16) *Niantic dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which Bartlett Reef Lighted Whistle Buoy 2A bears ESE (magnetic) 4,050 yards, and Bartlett Reef Light bears E (magnetic) 4,300 yards; depths ranging from 66 to 94 feet at mean low water.

(17) *New London dumping ground.* An area one nautical mile square (sides running true north-south and east-west) from the center of which New London Harbor Light bears N (magnetic) 5,800 yards, and New London Ledge Light bears N by E (magnetic) 4,425 yards; depths ranging from 63 to 72 feet at mean low water.

(18) *North Dumpling dumping ground.* An area one-fourth nautical mile square (sides running true north-south and east-west) from the center of which North Dumpling Light bears W $\frac{3}{4}$ S (magnetic) 1,700 yards, and Sea-

flower Reef Light bears W by N $\frac{1}{2}$ N (magnetic) 2,950 yards; depths ranging from 63 to 75 feet at mean low water.

(19) *Stonington dumping ground.* An area one-fourth nautical mile square (sides running true north-south and east-west) from the center of which Latimer Reef Light bears WNW $\frac{1}{2}$ W (magnetic) 2,050 yards, and Stonington Outer Breakwater Light bears NNE (magnetic) 1,600 yards; depths ranging from 61 to 106 feet at mean low water.

(f) *Dumping grounds in Hudson River—(1) Kidds Point dumping ground.* From Kidds Point to Fish Island, in the middle of the river; depths ranging from 77 to 84 feet.

(2) *Con Hook dumping ground.* From Hook to East Gable, in the middle of the river; depths ranging from 89 to 125 feet.

(3) *Gees Point dumping ground.* From Garrison to Gees Point, in the middle of the river; depths ranging from 68 to 175 feet.

(4) *Storm King dumping ground.* From Storm King to Breakneck Point, in the middle of the river; depths ranging from 59 to 79 feet.

(5) *Danskammer Point dumping ground.* From Roseton to Danskammer Point, in the middle of the river; depths ranging from 51 to 60 feet.

(6) *Crum Elbow dumping ground.* From Crum Elbow to Greer Point, in the middle of the river; depths ranging from 68 to 139 feet.

(7) *Dinsmore Point dumping ground.* From Dinsmore Point to the south end of Middle Grounds, in the center of the channel; depths ranging from 50 to 100 feet.

[Regs. June 14, 1950, ENGWO] (Sec. 4, 33 Stat. 1147; 33 U.S.C. 419)

[SEAL] EDWARD F. WITSELL,
Major General, U. S. A.,
The Adjutant General.

[F. R. Doc. 50-9816; Filed, Nov. 3, 1950; 8:50 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 10—EXCLUSION AND DEPORTATION OF PERSONS

EXCLUSION OF CHINESE

CROSS REFERENCE: For order revoking Chapter X—Exclusion of Chinese, of Executive Order 4314 of September 25, 1925 (Rules 129 to 141 codified as §§ 10.42, 10.41, 10.43, 10.44, 10.59, 10.56, 10.46, 10.48, 10.49, 10.47, 10.50, 10.54, and 10.45), see Canal Zone Order No. 22 in the Appendix to this chapter, *infra*.

Appendix—Canal Zone Orders
[Canal Zone Order 22]

REVOCATION OF CHAPTER X OF EXECUTIVE ORDER NO. 4314 OF SEPTEMBER 25, 1925, RESTRICTING ENTRY OF CHINESE INTO CANAL ZONE

OCTOBER 20, 1950.

By virtue of the authority vested in the President of the United States by section 141 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July

1, 1946, as amended by Executive Order No. 10101 of January 31, 1950, and after consultation with the Secretary of State, Chapter X, entitled "Exclusion of Chinese," comprising Rules 129 to 141, of Executive Order No. 4314 of September 25, 1925, establishing rules governing navigation of the Panama Canal and adjacent waters, and governing the exclusion of persons from the Canal Zone, is hereby revoked.

(40 Stat. 559, as amended, 41 Stat. 1217, 43 Stat. 153, 166, as amended, sec. 30, 54 Stat. 673; 22 U.S.C. 223, 225-227; 8 U.S.C. 201-229, 451)

FRANK PACE, JR.,
Secretary of the Army.

[F. R. Doc. 50-9819; Filed, Nov. 3, 1950; 8:50 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 127.271 *Guadeloupe* (including the islands of Desirade, Les Saintes, Marie Galante, Petite Terre, St. Bartholomew (Barthelemy), and the French port of St. Martin) (39 CFR 127.271) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 34 cents for the first 2 ounces and 14 cents for each additional 2 ounces. (See § 127.20.)

2. In § 127.220 *Iraq* (39 CFR 127.280) amend subdivision (ii) of paragraph (b) (4) to read as follows:

(ii) For parcels and other postal articles containing goods the value of which is more than 1 Iraqi dinar (about \$2.80), the addressee must obtain a special import license from the Ministry of Supply, Import Department, Baghdad.

3. In § 127.285 *Jamaica (including Cayman Islands)* (39 CFR 127.285) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 30 cents for the first 2 ounces and 10 cents for each additional 2 ounces. (See § 127.20.)

4. In § 127.292 *Leeward Islands (Anguilla, Antigua, Barbuda, Montserrat, Nevis, Redonda, St. Christopher or St. Kitts and Virgin Islands (British))* (39 CFR 127.292) amend paragraph (a) (5) to read as follows:

(5) *Air mail service—(i) All places except Antigua.* Postage rate, 10 cents per half ounce. Air-letter sheets, 10 cents each.

(ii) *Antigua only.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular

mail articles, 33 cents for the first 2 ounces and 13 cents for each additional 2 ounces. (See § 127.20.)

5. In § 127.300 *Malta* (39 CFR 127.300) amend paragraph (b) (4) to read as follows:

(4) *Observations.* (i) Parcels for Malta are delivered at post offices only.

(ii) Addressees in Malta are required to obtain import licenses for all parcels except bona fide gifts for personal use, not exceeding one per month for any addressee.

6. In § 127.301 *Martinique* (39 CFR 127.301) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 35 cents for the first 2 ounces and 15 cents for each additional 2 ounces. (See § 127.20.)

7. In § 127.309 *Netherlands* (39 CFR 127.309) make the following changes:

a. Amend subdivision (i) of paragraph (a) (7) to read as follows:

(i) See Parcel Post "Observations" (paragraph (b) (5) of this section) concerning authorization required to be obtained by the addressee for the importation of paper money, gold, other precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not; paper values; and public credit documents and securities.

b. Amend subdivision (ii) of paragraph (b) (5) to read as follows:

(ii) Authorization from the "Nederlandsche Bank" is required to be obtained by the addressee for the importation of gold, other precious metals or diamonds, manufactured or not; art treasures; postage stamps; instruments of payment, valid or not (including checks); paper values; and public credit documents and securities. It is understood that the term "paper values" includes paper money. Prospective senders should be advised that unless the addressee possesses the necessary authorization, which should be secured before the articles are mailed, the articles may be confiscated by the Netherlands customs authorities.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U.S.C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U.S.C. 372)

[SEAL] WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 50-9793; Filed, Nov. 3, 1950; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

1. In § 127.315 *New Zealand* (39 CFR 127.315; 15 F. R. 1075) amend paragraph (b) (4) to read as follows:

(4) *Observations.* (i) Each commercial shipment must be covered by a commercial invoice showing the current domestic price of the goods (that is, what the price would be if sold in the United States) and the selling price to the purchaser in New Zealand. The invoice must include a certificate as to the value of the goods, prepared in prescribed form and signed by the shipper. Printed blanks for the invoice and certificate can be purchased from printing firms specializing in such supplies.

(ii) The completed invoice must be sent to the addressee by letter mail. It is desirable to send one copy by air mail and another by the ordinary means.

(iii) Addressees in New Zealand are required to obtain import licenses for all parcels except bona fide gifts not exceeding £10 (\$28.20) in value.

2. In § 127.324 *Panama* (39 CFR 127.324) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 33 cents for the first 2

ounces and 13 cents for each additional 2 ounces. (See § 127.20.)

3. In § 127.326 *Paraguay* (39 CFR 127.326) amend paragraph (a) (4) to read as follows:

(4) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 50 cents for the first 2 ounces and 30 cents for each additional 2 ounces. (See § 127.20.)

4. In § 127.328 *Peru* (39 CFR 127.328) amend paragraph (a) (5) to read as follows:

(5) *Air mail service.* Postage rates: Letters, letter packages and post cards, 10 cents per half ounce. Air-letter sheets, 10 cents each. Other regular-mail articles, 45 cents for the first 2 ounces and 25 cents for each additional 2 ounces. (See § 127.20.)

5. In § 127.356 *Spain* (39 CFR 127.356) make the following changes:

a. Amend subdivision (i) of paragraph (a) (10) to read as follows:

(i) Periodicals, newspapers, and books, unless the addressees have secured permission to import such articles from the proper authorities in Spain. However, packages containing the articles in question prepaid and prepared for transmission at printed matter rates and conditions are acceptable for mailing at the risk of the senders, whether or not the sender has been advised by the addressee that the necessary permission to import has been obtained.

b. Amend subdivision (v) (b) of paragraph (b) (8) to read as follows:

(b) Periodicals, newspapers, and books, unless the addressees have secured permission to import such articles from the proper authorities in Spain. (See regular mails.)

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; and the terms of postal conventions and agreements entered into pursuant to R. S. 398, 48 Stat. 943; 5 U. S. C. 372)

[SEAL]

WALTER MYERS,
Acting Postmaster General.

[F. R. Doc. 50-9792; Filed, Nov. 3, 1950; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 993]

HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF A BUDGET OF EXPENSES OF THE PRUNE ADMINISTRATIVE COMMITTEE FOR THE 1950-51 CROP YEAR AND FIXING A RATE OF ASSESSMENT FOR SUCH YEAR

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to approve a budget of expenses for the Prune Administrative Committee for the 1950-51 crop year, and fix a rate of assessment for such year, as hereinafter set forth, which were recommended by said committee in accordance with the provisions of Marketing Agreement No. 110 and Order No. 93, regulating the handling of dried prunes produced in California (14 F. R. 5254), effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the 10th day after the date of the publi-

cation of this notice in the FEDERAL REGISTER, except that, if said 10th day after publication should fall on a legal holiday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day. The proposed rule is as follows:

§ 993.301 *Budget of expenses and rate of assessment—(a) Budget of expenses of the Prune Administrative Committee for the 1950-51 crop year.* Expenses in the amount of \$91,000 are reasonable and are likely to be incurred by the Prune Administrative Committee for its maintenance and functioning for the crop year beginning August 1, 1950.

(b) *Rate of assessment for the 1950-51 crop year.* Each handler shall pay to the Prune Administrative Committee, in accordance with the marketing agreement and order, an assessment rate of 65 cents for each ton of salable tonnage prunes handled by him as the first handler thereof and on all prunes sold to him from surplus tonnage for resale to other than Federal governmental agencies, during the crop year beginning August 1, 1950, which assessment rate is hereby fixed as each handler's pro rata share of the aforesaid expenses.

Done at Washington, D. C., this 1st day of November 1950.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 50-9803; Filed, Nov. 3, 1950; 8:47 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 153]

[Docket No. R-119]

APPLICATIONS FOR AUTHORIZATION TO EXPORT OR IMPORT NATURAL GAS

REQUIREMENTS FOR FILING

OCTOBER 31, 1950.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 153.1 *Who shall apply*, of Part 153, Application for Authorization to Export or Import Natural Gas, Subchapter E, Regulations under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations, to read as follows:

§ 153.1 *Who shall apply.* Any person proposing to export natural gas from the United States to a foreign country or to import natural gas from a foreign country, pursuant to the provisions of section 3 of the Natural Gas Act, shall make an application for authorization therefor under this part.

In connection with applications hereunder, attention is directed to the provisions of §§ 153.10 to 153.12, inclusive, relative to applications for Presidential Permits for the construction, operation, maintenance, or connection, at the borders of the United States, of facilities for the exportation and importation of natural gas to or from a foreign country in compliance with Executive Order No. 8202, dated July 13, 1939, 3 CFR Cum. Supp.

3. The proposed amendment is designed to eliminate the requirement now contained in §153.1 of the Commission's rules that the owner of a source of supply of natural gas who proposes to export or import natural gas or who has entered or proposes to enter into a contract to supply natural gas to be exported or imported shall be a necessary party to an application for the authorization required under section 3 of the Natural Gas Act. Experience indicates that the proposed change may be desirable since the Natural Gas Act requires that authorization be procured by the person actually engaged in exporting or import-

ing natural gas, and the statutory provision granting authority appropriately to condition the order granting such authorization enables the Commission to prevent prejudice to sources of supply without necessarily making the owners thereof parties to the proceeding.

4. The proposed amendment to the Commission's regulations under the Natural Gas Act is proposed to be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 3 and 16 thereof (60 Stat. 238, 52 Stat. 830; 5 U. S. C. Sup. 1002, 15 U. S. C. 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than November 30, 1950, data, views and comments in writing concerning the proposed amendment. An original and nine copies of any such submittal should be filed. The Commission will consider these written submittals before acting upon the proposed amendment.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 50-9814; Filed, Nov. 3, 1950;
8:48 a. m.]

NOTICES

CIVIL AERONAUTICS BOARD

ACCIDENT OCCURRING AT ALMELUND, MINN.

NOTICE OF HEARING

[Docket No. SA-222]

In the matter of investigation of accident involving aircraft of United States Registry NC-93037, which occurred at Almelund, Minnesota, on October 13, 1950.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, November 7, 1950, at 9:00 a. m., (local time) in Room 125 City Hall Building, Corner 5th Street and 3d Avenue, South Minneapolis, Minnesota.

Dated at Washington, D. C., October 31, 1950.

[SEAL]

VAN R. O'BRIEN,
Presiding Officer.[F. R. Doc. 50-9852; Filed, Nov. 3, 1950;
8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

SOIL CONSERVATION SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO
DISPOSITION OF RESERVED MINERALS

Pursuant to the authority contained in Public Law 760, 81st Congress, approved September 6, 1950, it is hereby ordered That:

1. All authorities, powers, functions and duties vested in the Secretary of Agriculture by Public Law 760, 81st Congress, with respect to the disposition of mineral interests now under the jurisdiction of the Soil Conservation Service, except the power and authority to determine areas in which there is no active mineral development or leasing, are hereby delegated to the Soil Conservation Service to be exercised by the Chief thereof.

2. Subject to my approval, the Chief of the Soil Conservation Service may issue rules and regulations necessary for the proper exercise of the authorities and powers and for the performance

of the functions and duties herein delegated.

3. In his discretion, the Chief of the Soil Conservation Service may redelegate, upon such terms and conditions as he may prescribe, the powers and authorities herein conferred upon him. In his absence, or in the event of his disability, such powers and authorities may be exercised by the Acting Chief.

4. The exercise of authorities delegated herein shall be subject to the applicable limitations and requirements of regulations of the Department of Agriculture.

Done at Washington, D. C., this 31st day of October 1950.

[SEAL]

CHARLES F. BRANNAN,
Secretary of Agriculture.[F. R. Doc. 50-9808; Filed, Nov. 3, 1950;
8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6326]

SCRANTON ELECTRIC CO.

NOTICE OF APPLICATION

OCTOBER 30, 1950.

Take notice that on October 27, 1950, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by The Scranton Electric Company (hereinafter called "Applicant"), a corporation organized under the laws of the Commonwealth of Pennsylvania and doing business in said State with its principal business office at Scranton, Pennsylvania, seeking an order disclaiming jurisdiction or, in the alternative, authorizing the purchase from Republic Service Corporation (hereinafter called "Republic") of all of the outstanding Capital Stock of its subsidiary, Abington Electric Company (hereinafter called "Abington"), a Pennsylvania corporation doing business in said State with its principal business office at Clarks Summit, Pennsylvania. The application states that the consideration for the purchase from Republic of all of the outstanding Capital Stock of Abington will be 60,000 shares of the \$5.00 par value Common Stock of Applicant, and cash payment of \$32,000, sub-

ject to certain adjustments. The proposed transaction will enable Applicant to make the extensions and conversions necessary to interconnect and integrate the facilities of Abington with Applicant and ultimately to merge and consolidate Abington with Applicant; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 17th day of November 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.[F. R. Doc. 50-9784; Filed, Nov. 3, 1950;
8:45 a. m.]

[Docket No. E-6327]

MONTANA POWER CO.

NOTICE OF APPLICATION

OCTOBER 30, 1950.

Take notice that on October 27, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by The Montana Power Company, a corporation organized under the laws of the State of New Jersey, with its principal business office at Butte, Montana, seeking an order authorizing the issuance of \$10,000,000 principal amount of promissory notes to be issued to the Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania, and to The National City Bank of New York. The proposed notes are to be dated on or before March 1, 1951, to mature July 1, 1954, and will bear interest at the rate of 2½ percent per annum. The Applicant also may designate five banks in the State of Montana which shall have the right of participating in the loans to be made, up to the legal lending limit of such five banks, which is an amount of approximately \$550,000 in the aggregate; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of November 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9785; Filed, Nov. 3, 1950;
8:45 a. m.]

[Docket No. E-6328]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

OCTOBER 31, 1950.

Take notice that on October 30, 1950, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of 100,000 shares of 4.50 percent Series Preferred Stock of \$100 par value per share, by an amendment to the Certificate of Incorporation of the Company, the effect of which will be to reclassify the outstanding 100,000 shares of 4.20 percent Series Preferred Stock (including 885 reacquired shares held in the treasury) into 100,000 shares of 4.50 percent Series Preferred Stock. The proposed stock is not to be offered to the public. It will be issued pro rata to existing security holders; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of November 1950, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9815; Filed, Nov. 3, 1950;
8:49 a. m.]

[Docket No. G-1495]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

On September 28, 1950, New York State Natural Gas Corporation (Applicant), a New York corporation, having its principal place of business at New York City, New York, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of

certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in the application filed with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 12, 1950 (15 F. R. 6865).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 22, 1950, at 9:30 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue N. W., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 31, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9812; Filed, Nov. 3, 1950;
8:48 a. m.]

[Docket No. G-1500]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

OCTOBER 31, 1950.

On October 3, 1950, Texas Eastern Transmission Corporation (Applicant) a Delaware corporation having its principal place of business at Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, as are fully described in the application on file with the Commission and subject to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure. Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested

proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on October 14, 1950 (15 F. R. 6923).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on November 17, 1950, at 9:30 a. m. e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: October 31, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9813; Filed, Nov. 3, 1950;
8:48 a. m.]

[Docket No. G-1515]

PEOPLES NATURAL GAS CO.

NOTICE OF APPLICATION

OCTOBER 31, 1950.

Take notice that The Peoples Natural Gas Company (Applicant), a Pennsylvania corporation, address, Pittsburgh, Pennsylvania, filed on October 19, 1950, an application for a declaratory order pursuant to section 5 (d) of the Administrative Procedure Act and § 1.7 (c) of the Commission's rules of practice and procedure (18 CFR 1.7 (c)) that Applicant either is or is not a "natural-gas company" by reason of any operations in which it is now engaged or proposes to engage, and, in the event of a finding and determination that Applicant is or will become a "natural-gas company" by reason of any such operations, a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the acquisition, construction and operation of certain natural-gas facilities.

Applicant states that certain wholesale sales of natural gas which it believes formed the basis of orders heretofore issued by the Commission in which Applicant was found to be a "natural-gas company" have terminated, with the exception of a presently existing operation whereby Applicant transmits through its own pipelines out-of-state natural gas purchased from Hope Natural Gas Company, an affiliate. Applicant further states that it now operates approximately 38 miles of 14-inch pipeline extending from Applicant's system near Johnstown, Pennsylvania, to a point of

connection with the facilities of Texas Eastern Transmission Corporation in Somerset County, Pennsylvania, through which Applicant receives natural gas from said company into its system. Applicant states that it has entered into a contract for the purchase of natural gas from Tennessee Gas Transmission Company to effect which it is presently constructing approximately 15 miles of 10 $\frac{1}{4}$ -inch and 8-inch pipeline to extend from a point of connection on Applicant's existing system to a point on the facilities of said company, all in Beaver County, Pennsylvania, through which natural gas will be delivered into the system of Applicant. In addition, Applicant has entered into an agreement for the purchase of the entire natural-gas production, transmission and distribution system of State Line Gas Company which includes a pipeline, approximately 5 miles in length, extending from Point Marion, Pennsylvania, in a southwesterly direction to a connection known as Garlow Connection on the Pennsylvania-West Virginia boundary where Applicant will receive into the line, after the proposed transfer of facilities, natural gas purchased in interstate commerce.

Applicant states that by reason of difference in operations between those conducted by Applicant and those conducted by The East Ohio Gas Company, as well as a difference in the public utility obligation imposed upon said companies by the laws of the State in which each operates, Applicant is uncertain as to whether or not its present operations and those proposed cause it to be a "natural-gas company" within the meaning of the Natural Gas Act and existing court decisions.

Applicant requests the issuance of appropriate certificates of public convenience and necessity for the acquisition, construction and operation of the facilities hereinbefore referred to in the event that the Commission finds and determines that it is or will be a "natural-gas company".

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9786; Filed, Nov. 3, 1950;
8:45 a. m.]

[Docket No. G-1516]

STATE LINE GAS CO.
NOTICE OF APPLICATION

OCTOBER 31, 1950.

Take notice that State Line Gas Company (Applicant), a Pennsylvania corporation, address, Point Marion, Pennsylvania, filed on October 19, 1950, an application for an order pursuant to section 7 (b) of the Natural Gas Act, as amended, authorizing Applicant to abandon certain natural-gas facilities subject to the jurisdiction of the Com-

mission and to abandon the service rendered thereby, and an order authorizing Applicant to vacate its Federal Power Commission certificate of public convenience and necessity heretofore issued to it pursuant to section 7 (c) of the Natural Gas Act, in Docket No. G-367.

Applicant is the owner of a production, transmission, supply and distribution system located in Greene and Fayette Counties, Pennsylvania. That part of Applicant's system used to receive deliveries of natural gas from Monongahela Power Company at the Garlow connection on the Pennsylvania-West Virginia boundary is described in the application as follows:

Pipeline extending from the Garlow meter at the Pennsylvania-West Virginia State line in a northeasterly direction to Point Marion, Pennsylvania, consisting of 687 feet of 6 $\frac{1}{2}$ -inch pipe, 5,029 feet of 5 $\frac{1}{2}$ -inch pipe, 1,277 feet of 4 $\frac{1}{2}$ -inch pipe and 21,748 feet of 4-inch pipe.

Applicant states that the above-described facilities constitute the facilities for which its existing certificate of public convenience and necessity would be applicable should that part of Applicant's facilities used to take delivery of natural gas at the Garlow connection be construed as facilities for the transportation of natural gas in interstate commerce.

Applicant has entered into a contract with The Peoples Natural Gas Company to sell and transfer its entire natural gas system, including the facilities hereinbefore described. Applicant states that after the proposed sale and transfer it is anticipated that Applicant will be dissolved and liquidated, and that The Peoples Natural Gas Company will operate the facilities now owned by Applicant. It is stated that this should result in more reliable service to Applicant's customers and provide gas that is necessary for future growth.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9783; Filed, Nov. 3, 1950;
8:45 a. m.]

[Docket No. G-1519]

TEXAS GAS TRANSMISSION CORP. ET AL.

NOTICE OF APPLICATION

OCTOBER 30, 1950.

In the matter of Texas Gas Transmission Corporation, Louisville Gas and Electric Company, and Pittsburgh and West Virginia Gas Company.

Take notice that Texas Gas Transmission Corporation (Texas), a Delaware corporation of 416 West Third Street, Owensboro, Kentucky, Louisville Gas and Electric Company (Louisville), a Kentucky corporation of 311 West Chestnut Street, Louisville 2, Kentucky,

and Pittsburgh and West Virginia Gas Company (Pittsburgh), a West Virginia corporation of 435 Sixth Avenue, Pittsburgh 19, Pennsylvania, filed on October 23, 1950, a joint application for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing (a) the sale of natural gas by Texas to Pittsburgh and the utilization and operation in connection with such sale of facilities presently used in connection with the sale of natural gas to Louisville by Texas; (b) the delivery of natural gas by Louisville to Pittsburgh; and (c) the delivery of natural gas by Pittsburgh to Louisville.

The application recites that the three Applicants have entered into an agreement (attached to and made a part of the application), dated October 20, 1950, designed to permit Louisville to receive from Texas quantities of gas in excess of those received by Louisville from Texas under the Service Agreement between the two companies when Texas, in its judgment, has such additional quantities of gas available, thus permitting Louisville to reduce its takings of gas from its affiliate Kentucky West Virginia Gas Company, and enabling Kentucky Company to deliver additional quantities of gas to Pittsburgh.

The application further shows that on August 16, 1950, the Applicants herein entered into an agreement which established the same arrangement set forth in the contract of October 20, 1950; that the Commission by order issued August 24, 1950, permitted said agreement of August 16, 1950 to become effective as of August 21, 1950, as a Rate Schedule of Texas, Pittsburgh and Louisville; and that the Applicants desire to maintain the said arrangement until November 15, 1950, as provided in the new contract of October 20, 1950.

No new construction or change in existing facilities is proposed in the application. The Applicants will utilize existing facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 17th day of November 1950. The joint application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-9787; Filed, Nov. 3, 1950;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25469, Amdt.]

BITUMINOUS COAL IN OFFICIAL TERRITORY

APPLICATION FOR RELIEF

NOVEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Roy S. Kern, Agent, for and on behalf of carriers parties to tariffs named on attached sheet.

Commodities involved: Bituminous coal and articles taking the same rates, in carloads.

From: Points in Ohio, Pennsylvania, Maryland, West Virginia, Virginia, Tennessee and Kentucky.

To: Points in central territory, including Illinois territory and Buffalo-Rochester groups.

Grounds for relief: To restore rate relationships.

Schedules filed containing proposed rates:

	I. C. C. tariff No.	Supple- ment No.
B&O RR.	3011	
L&N RR.	A-16518	74
N&W Ry.	3354-B	
P. RR.	2526	63
P&W Ry.	436	45
Sou. Ry. (CNO&TP)	4653	84
W. Md. Ry.	8016	75
Roy S. Kern	50	132

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-9809; Filed, Nov. 3, 1950;
8:48 a. m.]

[4th Sec. Application No. 25538]

SUGAR FROM NORTH ATLANTIC PORTS TO
CINCINNATI, OHIO

APPLICATION FOR RELIEF

NOVEMBER 1, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to tariffs named below.

Commodities involved: Sugar, in carloads.

From: North Atlantic ports and points taking same rates.

To: Cincinnati, Ohio.

Grounds for relief: Port competition. Schedules filed containing proposed rates: C. W. Boin's tariff ICC No. A-874, Supp. 16. I. N. Doe's tariff ICC No. 573, Supp. 8.

No. 215—5

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-9810; Filed, Nov. 3, 1950;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 30-170]

PORTLAND ELECTRIC POWER CO.

ORDER DECLARING CESSATION AS HOLDING
COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1950.

Thos. W. Delzell and R. L. Clark, trustees of Portland Electric Power Company ("PEPCO"), a registered holding company, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting the Commission to enter an order declaring that PEPCO has ceased to be a holding company under said act by virtue of the following facts:

The application states that pursuant to the Commission's findings, opinions and orders of January 14, 1946 (Holding Company Act Release No. 6365) and December 10, 1946 (Holding Company Act Release No. 7057) approving a plan of reorganization for PEPCO pursuant to section 11 (f) of said act, which plan was also approved and confirmed by the District Court of the United States for the District of Oregon, PEPCO has made distribution of its assets and was on February 2, 1948, dissolved; and

Said application having been duly filed, and notice of its filing having been duly published, and the Commission not having received a request for hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

It appearing to the Commission that PEPCO has ceased to be a holding company:

It is therefore ordered and declared, Pursuant to section 5 (d) of the act and the rules and regulations thereunder, that PEPCO has ceased to be a holding company, and that the registration of

such company shall forthwith cease to be in effect.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9797; Filed, Nov. 3, 1950;
8:46 a. m.]

[File No. 54-190]

PHILADELPHIA CO. AND EQUITABLE SALES CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of October 1950.

Philadelphia Company ("Philadelphia"), a registered holding company and a subsidiary of Standard Gas and Electric Company and Standard Power and Light Corporation, both registered holding companies and Philadelphia's non-utility subsidiary, Equitable Sales Company ("Sales"), having filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 11 (e) thereof, with respect to the following proposed transactions:

Sales is incorporated under the laws of Pennsylvania and formerly conducted a retail gas and electric appliance business. In 1941 the business was discontinued and Sales has since been inactive and in the process of liquidation.

The outstanding securities of Sales consist of 4,653 shares of capital stock, par value \$100 per share, and four demand promissory notes aggregating \$400,000 in principal amount. As of July 31, 1950, accrued and unpaid interest on these notes amounted to \$346,179.39. Philadelphia is the beneficial owner of all of the outstanding shares of capital stock of Sales and is also the payee and owner of the four promissory notes.

Applicants state that the realizable assets of Sales consist solely of cash and marketable securities which together aggregate \$399,124. Its liabilities, other than the outstanding notes and capital stock, consist of current liabilities in the amount of \$27.50 and taxes in the estimated amount of \$5.20 at July 31, 1950.

Applicants propose that Sales will wind up, settle its affairs, and dissolve pursuant to the voluntary dissolution provisions of the Pennsylvania Business Corporation Law. Applicants state that the steps prescribed in those provisions will be taken promptly and in the order therein prescribed, and in no event later than December 31, 1950. In accordance therewith, the assets of Sales are to be applied first to the payment in full or to making adequate provision for the payment in full of all its debts and liabilities owing to persons other than Philadelphia. Thereafter the remaining assets (after conversion of noncash assets to cash) are to be transferred to Philadelphia in payment on account of Sales' debts owing to Philadelphia. After such distribution of all of the assets of Sales, Philadelphia will release and cancel all remaining debts and liabilities owing

to it by Sales and will surrender all of the outstanding shares of capital stock of Sales for cancellation. Thereafter Sales will be dissolved and its corporate existence terminated.

Philadelphia and Sales state that no commission other than this Commission has jurisdiction over the proposed transactions, that no fees will be paid in connection therewith, and that expenses are estimated at not to exceed \$300.

The application having been filed on September 18, 1950, and notice of said filing having been duly given by general release of the Commission, which was distributed to the press and mailed to the mailing list for releases issued under the act, and by publication in the FEDERAL REGISTER, and the Commission not having received a request for hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the transactions proposed in said application are necessary to effectuate the provisions of section 11 (b) of the act, are fair and equitable to the persons who will be affected thereby, and satisfy in all respects the requirements of applicable provisions of the act and the rules promulgated thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted, effective forthwith:

It is ordered, Pursuant to the applicable provisions of the act, that the application be, and hereby is, granted, effective forthwith, subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9795; Filed, Nov. 3, 1950;
8:46 a. m.]

[File No. 70-2462]

UNITED GAS CORP. AND UNION
PRODUCING CO.

ORDER PERMITTING DECLARATION TO
BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 30th day of October A. D. 1950.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company, and United's wholly owned non-utility subsidiary, Union Producing Company ("Union Producing"), having filed a joint declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly section 6 (a), 7, 12 (f) and 15 thereof and Rule U-23 thereunder, with respect to the following proposed transactions:

Union Producing proposes to reduce the amount stated as capital with respect to its outstanding 50,000 shares of no par value common stock from \$50,992,746.92 to \$27,500,000 without reducing the number of shares and to transfer the amount

of the reduction, \$23,492,746.92, to a reserve account to be identified as "Reserve for Adjustments of Plant, Property and Equipment." United, as the owner of all of the outstanding stock of Union Producing, proposes to execute and deliver to Union Producing its written consent to the proposed reduction in capital. It is stated that the reduction of Union Producing's capital will be effected in accordance with the applicable laws of the State of Delaware, the State in which Union Producing is incorporated.

At June 30, 1950, United had on its books a reserve for "Future Losses or Adjustments with Respect to Capital Assets" in the amount of \$23,445,673.59. This reserve is the remainder of an original reserve for such purposes of \$32,218,208.52 created in 1944 in connection with the reorganization of United under section 11 (e) of the act (File No. 54-91). Since 1944 the reserve has been reduced through charges resulting from adjustments in the accounts of United Gas Pipe Line Company, a wholly owned subsidiary of United. United will account on its books for the proposed reduction in the capital of Union Producing by crediting its investment in Union \$23,492,746.92 and charging \$23,445,673.59 to the afore-mentioned "Reserve for Future Losses or Adjustments with Respect to Capital Assets" and \$47,073.33 to Earned Surplus.

In the declaration it is stated that it is the intention of both Union and United that the reserve created on the books of Union, as proposed in the declaration will be applied by Union to provide for future adjustments in its accounts. The extent of adjustments in the accounts of Union, it is stated, must await a more detailed study of its plant account and other related accounts. In this connection, the declaration notes that the accounts of Union contain an item of \$19,510,000 identified as "Position Value". Union and United are of the stated belief that the transfer of such reserve from the books of United to the books of Union is appropriate and reasonably adequate to provide for future adjustments in its accounts. United and Union Producing state in the declaration, as amended, that the reserve of \$23,445,673.59 to be set up on the books of Union Producing will be used to make no adjustment other than adjustments inherent in the accounts of Union Producing at November 28, 1944, the date of United's reorganization under the act (File No. 54-91).

Said declaration having been filed on August 21, 1950, the last amendment thereto having been filed on October 20, 1950, notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said joint declaration, as amended, within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding with respect to said joint declaration, as amended, that the requirements of the applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and

deeming it appropriate in the public interest and in the interest of investors and consumers that said joint declaration, as amended, be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said joint declaration, as amended, be, and the same hereby is, permitted to become effective, forthwith, subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9802; Filed, Nov. 3, 1950;
8:47 a. m.]

[File Nos. 70-2467, 70-2481, 70-2493, 70-2502]

BEVERLY GAS AND ELECTRIC CO. ET AL.
ORDER GRANTING APPLICATIONS AND PER-
MITTING DECLARATION TO BECOME EFFEC-
TIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1950.

In the matters of Beverly Gas and Electric Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Southern Berkshire Power & Electric Company, File No. 70-2467; Malden Electric Company, File No. 70-2481; Wachusett Electric Company, File No. 70-2493; Attleboro Steam and Electric Company, Beverly Gas and Electric Company, Central Massachusetts Electric Company, Gardner Electric Light Company, The Lowell Electric Light Corporation, Malden and Melrose Gas Light Company, Worcester Suburban Electric Company, New England Power Company, Southern Berkshire Power & Electric Company, Worcester County Electric Company, File No. 70-2502.

The above entitled companies, hereinafter collectively sometimes referred to as "applicant companies", all subsidiaries of New England Electric System ("NEES"), a registered holding company, having filed separate applications or declarations, and amendments thereto, with this Commission, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935, with respect to the following proposed transactions:

Applicant companies propose to increase their borrowings by issuing notes to banks from time to time, but not later than December 31, 1950. Prior to December 31, 1950, certain of the companies contemplate the retirement of part or all of the notes with proceeds from permanent financing. The table below shows the notes outstanding October 1, 1950, the notes proposed to be issued, the maximum face amounts of notes which may be outstanding at any one time as limited by bank letter agreements of certain applicant companies, the contemplated retirements and the amounts to be outstanding December 31, 1950.

	Outstanding Oct. 1, 1950	Proposed to be issued	Maximum amounts which may be out- standing at any one time	Estimated amount	
				To be re- tired prior to Dec. 31, 1950	To be out- standing Dec. 31, 1950
Attleboro.....	\$440,000	\$600,000	\$500,000	\$500,000	-----
Beverly.....	470,000	620,000	650,000	470,000	\$620,000
Central Massachusetts.....	1,000,000	125,000	1,300,000	1,125,000	-----
Gardner.....	500,000	50,000	550,000	550,000	-----
Lowell.....	1,050,000	2,100,000	2,300,000	1,950,000	2,100,000
Malden Electric.....	150,000	450,000	450,000	150,000	450,000
Malden & Melrose.....	550,000	900,000	1,000,000	550,000	900,000
New England Power.....	9,000,000	8,000,000	10,500,000	8,000,000	9,000,000
Southern Berkshire.....	300,000	400,000	500,000	300,000	400,000
Wachusett.....	-----	200,000	200,000	-----	200,000
Worcester County.....	6,050,000	1,250,000	7,300,000	7,300,000	-----
Worcester Suburban.....	2,100,000	300,000	2,400,000	2,400,000	-----
Total of above.....	22,510,000	14,455,000	27,950,000	23,295,000	13,670,000

The notes outstanding and to be issued by all of the companies except Malden Electric Company and Wachusett Electric Company are subject to bank letter agreements and mature on May 31, 1951. Malden Electric and Wachusett propose to issue notes, from time to time up to December 31, 1950, maturing six months from date of issue and bearing interest at the rate of 2 1/4% per annum provided that if the interest rate is to exceed this amount the company will notify the Commission by appropriate amendment five days prior to the execution and delivery of such notes and request that such amendment become effective if not notified by the Commission to the contrary.

The interest rates on the borrowings of Attleboro, Central Mass., Gardner and Worcester Suburban are pursuant to bank letter agreements and are determined by a formula related to the Federal Reserve rediscount rate, which formula we have heretofore approved, while the New England Power and Worcester County interest rates are subject to other agreements which we have heretofore approved (Holding Company Act Release Nos. 8253 and 9527). Beverly, Lowell, Malden and Melrose, and Southern Berkshire have entered into supplemental agreements reducing the interest rates on notes presently outstanding, which rates will be applicable to the notes proposed to be issued.

In connection with the system program for financing its construction requirements it is stated in the application:

The bank debt of all NEES subsidiaries at September 30, 1950 was \$26,340,000 while estimated construction expenditures of these companies are \$12,340,000 in the last quarter of 1950, \$34,912,000 in the year 1951 and \$25,524,000 in the year 1952, a total of about \$100,000,000. It is anticipated that about \$25,000,000 of this will be obtained by NEES and its subsidiaries from depreciation and amortization charges, retained net income, etc. This leaves about \$75,000,000 to be obtained either from the sale of assets or security issues of NEES or its subsidiaries of which the major portion will be obtained from the sale of senior securities of subsidiaries to the public.

NEES intends to dispose of its investment in gas and transportation properties and the proceeds of such sales should be substantial although the timing for the receipts arising from such disposition cannot be definitely stated at this time even though negotiations for some of such sales are actually under way. As many subsidiaries will have need for short term bank borrowings in this period of substantial construction expenditures,

NEES will report to the Securities and Exchange Commission by March 31, 1951 on the progress of such sales of gas and transportation properties. NEES intends to maintain a reasonable equity base for the required senior financing and if it then appears that the sales of gas and transportation properties are to be materially delayed, NEES proposes to maintain such equity base through the issue and sale of additional common shares as soon as practicable and feasible provided market conditions are favorable. In formulating any program for future financing and in determining any future policy during these troublesome, changing and uncertain times, NEES recognizes that changes may be necessary or desirable from time to time to meet unforeseen or unusual conditions that may arise and any statement of program or policy must therefore be so qualified.

It is estimated by applicant companies that the actual cost for services performed by New England Power Service Company, an affiliate, in connection with the proposed transactions will aggregate not more than \$4,300. Other fees and expenses are estimated at \$1,100.

It is stated that no State commission has jurisdiction over the transactions proposed by Malden Electric and Wachusett; that the Department of Public Utilities of the Commonwealth of Massachusetts, which has jurisdiction over the transactions with respect to each of the other applicant companies, has approved the proposed note borrowings; and that the Public Service Commissions of the States of New Hampshire and Vermont have approved the transactions proposed by New England Power Company. It is further stated that no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Said applications-declarations and the amendments thereto having been duly filed and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to the act, and the Commission not having received a request for hearing with respect to said applications-declarations, as amended, within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The applications-declarations having requested that the Commission's order become effective forthwith upon issuance; and

The Commission finding with respect to said applications-declarations, as amended, that the requirements of the applicable provisions of the act and rules

promulgated thereunder are satisfied, that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said applications-declarations, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said applications-declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9800; Filed, Nov 3, 1950;
8:47 a m]

[File No. 70-2474]

NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1950.

New England Electric System ("NEES"), a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 (c) promulgated thereunder with respect to the following transactions:

Haverhill Electric Company ("Haverhill"), a subsidiary of NEES and doing an electric and gas utility business in Massachusetts, proposes to sell its gas properties and franchises, as at June 30, 1950, to Haverhill Gas Light Company, a non-affiliated gas utility company, for a cash consideration of \$197,000 plus or minus an amount equal to the net plant additions or retirements subsequent to June 30, 1950. Haverhill also proposes to sell to Haverhill Gas Light Company its gas accounts receivable not billed prior to the date of the transfer of the gas properties, amounts due on conditional sales contracts for the sale of gas appliances, and gas materials and supplies at the fair value thereof at the date of transfer. It is stated in the declaration that the consideration for such accounts and materials is not expected to exceed \$10,000.

Haverhill supplies gas to approximately 2,600 customers and its gas plant and business constitute approximately 4 percent of its total utility plant and business. Its gas requirements are purchased from Haverhill Gas Light Company. It is stated in the declaration that the base purchase price of \$197,000 was arrived at by negotiations between the two companies and that consideration was given to the depreciated book value of the gas properties, amounting as at June 30, 1950 to \$214,465, and to the past, present and potential earning capacity of such properties. It is indicated that Haverhill's net operating income from the gas properties for the twelve months ended June 30, 1950 approximated \$9,500. The declaration states that Haverhill will use the pro-

ceeds derived from the proposed sale to reduce its 2¾ percent promissory note indebtedness, which, as at June 30, 1950, amounted to \$500,000.

Appropriate notice of said filing having been given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9799; Filed, Nov. 3, 1950;
8:47 a. m.]

[File No. 70-2482]

AMERICAN NATURAL GAS CO. AND
MILWAUKEE GAS LIGHT CO.

SUPPLEMENTAL ORDER PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of October A. D. 1950.

American Natural Gas Company ("American Natural"), a registered holding company, and its public utility subsidiary, Milwaukee Gas Light Company ("Milwaukee"), having filed an application-declaration and amendments thereto with respect to the issue and sale by Milwaukee, pursuant to competitive bidding requirements of Rule U-50, of \$27,000,000 principal amount of First Mortgage Bonds -- percent series due 1975 and \$6,000,000 principal amount of -- percent Sinking Fund Debentures due November 1, 1970, the issue and sale by Milwaukee to its parent, American Natural, and to its minority stockholders of an aggregate of not more than 250,409 shares of additional common stock and the retirement by Milwaukee of its outstanding 4½ percent bonds, its 2¾-3 percent serial notes, its 2½ percent bank loan and its outstanding 7 percent preferred stock; and

The Commission having by order issued October 23, 1950, granted and permitted to become effective said application-declaration, as amended, subject, *inter alia*, to the condition that the sale by Milwaukee of its bonds and debentures not be made until the results of competitive bidding pursuant to Rule

U-50 shall have been made a matter of record in this proceeding and a further order containing such terms and conditions as may be deemed appropriate shall have been entered by the Commission in the light of the record so completed, for which purpose jurisdiction was reserved, and subject to a further reservation of jurisdiction with respect to the fees and expenses to be incurred and paid in connection with the proposed transactions; and

Applicants-declarants having filed a further amendment herein stating that, in accordance with said order of October 23, 1950, said bonds and debentures have been offered for sale pursuant to the competitive bidding requirements of Rule U-50 and that the following bids for the respective securities have been received:

FIRST MORTGAGE BONDS

Bidder	Annual interest rate (percent)	Price to company: percent of principal	Annual cost to company (percent)
Kidder, Peabody & Co.	3½	100.591	3.090899
Smith, Barney & Co.	3½	100.25934	3.11
Kuhn, Loeb & Co.	3½	100.17999	3.114587
Blyth & Co., Inc.	3½	101.826	3.143992
Glore, Forgan & Co. and Lehman Bros.	3½		
Halsey, Stuart & Co., Inc.	3½		

SINKING FUND DEBENTURES

Halsey, Stuart & Co., Inc.	3½	100.381	3.348712
Glore, Forgan & Co. and Lehman Bros.	3½	101.3099	3.409124
Kidder, Peabody & Co.	3½	100.691	3.451578
Smith, Barney & Co.	3½	100.02	3.498002
Kuhn, Loeb & Co.	3½		
Blyth & Co., Inc.	3½		
Harriman Ripley & Co., Inc.	3½	100.537	3.587148

¹ Exclusive of accrued interest from Nov. 1, 1950.

Said amendment further stating that the bid of Kidder, Peabody & Co., as above set out, for the bonds has been accepted and the bonds are to be offered for sale to the public at 101.305 percent of the principal amount, plus accrued interest, resulting in an underwriter's spread of 0.714 percent of the principal amount of the bonds, or an aggregate of \$192,780; that the bid of Halsey, Stuart & Co., Inc., as above set out, for the debentures has been accepted and that the debentures are to be offered for sale to the public at 101.375 percent of the principal amount, plus accrued interest, resulting in an underwriter's spread of 0.994 percent of the principal amount of the debentures, or an aggregate of \$59,640; and

The Public Service Commission of Wisconsin having advised that, in accordance with the statement contained in its Decision and Certificate of Authority issued October 18, 1950, it has on October 30, 1950, issued a Certificate of Authority authorizing the issuance and sale by Milwaukee of said bonds and debentures; and

The Commission having considered the record as supplemented by said amendment and finding no basis for imposing terms and conditions with respect to the prices to be paid Milwaukee, the interest rate of the bonds and debentures, the redemption prices of the bonds and debentures and the underwriters' spreads; and

The Commission finding that the applicable standards of the act and the rules and regulations promulgated thereunder have been satisfied and that said application-declaration, as amended, should be granted and permitted to become effective forthwith; and

It appearing that the record is incomplete with respect to the fees and expenses to be incurred and paid in connection with the proposed issue and sale of securities and related transactions, and the Commission deeming it appropriate to reserve jurisdiction with respect thereto:

It is ordered, That the jurisdiction heretofore reserved with respect to the results of competitive bidding for said bonds and debentures be, and it hereby is, released and that the application-declaration, as amended, be and it hereby is, granted and permitted to become effective subject, however, to the terms and conditions prescribed in Rule U-24, and subject to reservation of jurisdiction with respect to the fees and expenses to be incurred and paid in connection with the issuance and sale of the securities and related transactions.

It is further ordered, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9796; Filed, Nov. 3, 1950;
8:46 a. m.]

[File No. 70-2487]

NIAGARA MOHAWK POWER CORP.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND PERMITTING APPLICATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 31st day of October A. D. 1950.

Niagara Mohawk Power Corporation ("Niagara Mohawk"), a subsidiary of Niagara Hudson Power Corporation, a registered holding company, having filed an application and amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) thereof of the issue and sale by Niagara Mohawk, pursuant to the competitive bidding requirements of Rule U-50 of \$40,000,000 principal amount of General Mortgage Bonds due October 1, 1980; and

The Commission having, by Order dated October 23, 1950, granted said application, as amended, subject to the condition, among others, that the proposed sale of bonds shall not be consummated until the results of competitive bidding pursuant to Rule U-50 shall have been made a matter of record in this proceeding, and a further order shall have been entered in the light of the record so completed; and jurisdiction having been reserved over the payment of all

legal fees and expenses in connection with the proposed transaction; and

Niagara Mohawk having on October 31, 1950, filed a further amendment to said application in which it is stated that it has offered the bonds for sale pursuant to the competitive bidding requirements of Rule U-50 and has received the following bids:

Bidder	Price to Niagara Mohawk percent of principal	Interest rate (percent)	Cost to Niagara Mohawk (percent)
Morgan Stanley & Co....	100.631	2 3/4	2.8435
Kuhn, Loeb & Co.....	100.4099	2 3/4	2.8546
Halsey, Stuart & Co., Inc..	100.328	2 3/4	2.8586
The First Boston Corp....	100.169	2 3/4	2.8665

¹ Exclusive of accrued interest from Oct. 1, 1950.

The amendment further stating that Niagara Mohawk has accepted the bid of Morgan Stanley & Co. for the bonds as set forth above and that the bonds will be offered for sale to the public at a price of 101.25 percent of principal amount thereof, resulting in an underwriter's spread of 0.619 percent; and

The legal fees and estimated expenses proposed to be incurred in connection with the proposed sale of bonds having been stated to be as follows:

	Fees	Estimated Expenses
LeBoeuf & Lamb, counsel for Niagara Mohawk.....	\$20,000	\$325.00
Davis, Polk, Wardwell, Sunderland, & Kiehl, counsel for bidders.....	12,500	375.00
Total.....	32,500	700.00

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to the price to be received for said bonds, and redemption prices thereof, the interest rate thereon and the underwriter's spread; and

It appearing that the proposed legal fees and expenses enumerated above are not unreasonable and that jurisdiction with respect thereto should be released:

It is hereby ordered, That jurisdiction heretofore reserved in connection with the sale of said bonds be, and the same hereby is, released, and that the said application, as further amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act.

It is further ordered, That jurisdiction heretofore reserved over all legal fees and expenses enumerated above in connection with the proposed transaction be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9794; Filed, Nov. 3, 1950; 8:46 a. m.]

[File No. 70-2491]

MONTAUP ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of October A. D. 1950.

Montaup Electric Company ("Montaup"), an indirect public utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, having filed a declaration, pursuant to the provisions of section 7 of the Public Utility Holding Company Act of 1935, with respect to the following transactions:

Montaup proposes to issue from time to time additional unsecured 2 percent promissory notes in an aggregate amount not in excess of \$3,800,000. The notes, maturing on March 30, 1951, will be issued to The First National Bank of Boston under a loan agreement dated as of March 3, 1950 and may be prepaid at any time without premium.

The declaration states that Montaup is presently carrying out a construction program involving the installation of a 60,000 kilowatt unit, estimated to cost \$12,330,300 through 1951, and that the proceeds to be derived from the sale of the proposed notes will be used to finance construction requirements. The declaration indicates that Montaup contemplates the note borrowings, as proposed and as outstanding, as temporary, pending permanent financing which will be on a system basis. It is further indicated that the EUA system's permanent financing plan will not only provide sufficient funds to pay the proposed notes and the \$5,200,000 of presently outstanding 2 percent promissory notes, but will also supply additional capital for Montaup's construction program.

The declaration indicates that with respect to the proposed borrowings it is unnecessary to secure the approval of any State or Federal commission, other than this Commission. It is estimated that the expenses involved in connection with the proposed borrowings will not amount to more than \$100.

Montaup requests that the Commission's order herein be issued pursuant to Rule U-23 promulgated under the act and that the Commission's order herein become effective upon issuance.

Said declaration having been filed and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration that the requirements of the applicable provisions of the act and rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the said declaration be permitted to become effective, and deeming it appropriate to grant the re-

quest of declarant that the order become effective at the earliest date possible:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the said declaration be, and hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9798; Filed, Nov. 3, 1950; 8:47 a. m.]

[File No. 70-2510]

ELECTRIC BOND AND SHARE CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 30th day of October A. D. 1950.

Notice is hereby given that Electric Bond and Share Company ("Bond and Share"), a registered holding company, has filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 with respect to the following proposed transactions:

Bond and Share presently owns 343,844 shares (7.2 percent) of the common stock of Texas Utilities Company ("Texas"). Bond and Share is under commitment to dispose of this stock by February 15, 1951. The Board of Directors of Bond and Share at a meeting held on October 11, 1950, declared a dividend of 3 3/4 shares of the common stock of Texas for each 100 shares of Bond and Share's common stock, payment being contingent on the Commission entering an order authorizing Bond and Share to make such distribution to its stockholders. This dividend will result in distribution of 196,888 shares of Bond and Share's holdings of Texas common stock.

Fractional shares will not be delivered. In lieu thereof Bond and Share will instruct its dividend agent, Bankers Trust Company, New York, New York, to sell the number of shares of common stock of Texas that would otherwise be delivered as fractional shares and to pay the proceeds from such sales to the holders of common stock of Bond and Share entitled thereto. The application-declaration also states that Bond and Share intends to make arrangements with its dividend agent to facilitate the sale on behalf of Bond and Share's stockholders of small lots of Texas common stock (less than 5 shares) to which such stockholders would be entitled and to pay the proceeds from such sales to the stockholders entitled thereto.

Bond and Share requests that any order herein authorizing the proposed transactions contain findings and recitations in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereto. Applicant-declarant further requests that any such order be issued as

promptly as may be practicable and that it become effective upon issuance.

All interested persons are referred to said applicant-declaration which is on file with this Commission for a complete statement of the transactions therein proposed.

Notice is further given that any interested person may, not later than November 8, 1950, at 11:00 a. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after 11:00 a. m., e. s. t., November 8, 1950, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission,

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 50-9801; Filed, Nov. 3, 1950;
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 15179]

FRIDEL MCKEE

In re: Stock owned by Fridel McKee, also known as Fridel McKee-Sadewasser and as P. McKee-Sadewasser. F-28-22618-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fridel McKee, also known as Fridel McKee-Sadewasser, and as F. McKee-Sadewasser, on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Five (5) shares of common capital stock of The National City Bank of New York, evidenced by a certificate numbered CO348387 registered in the name of Wonham, Albert & Co., 64 Wall Street, New York 5, New York, and presently in the custody of Agency, Bank of Montreal, 64 Wall Street, New York 5, New York, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Fridel McKee, also known as Fridel McKee-Sadewasser, and as P. McKee-Sadewasser, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 5, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9823; Filed, Nov. 3, 1950;
8:49 a. m.]

[Vesting Order 15272]

GEORGE MAETZE

In re: Stock owned by George Maetze, F-28-30903-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Maetze, whose last known address is Tringen No. 37, uber Freiburg in Breisgau bei Max Shaehtele, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Seven and five-tenths (7.5) shares of \$10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered EL11213, EL11214, EL11216, EL11218, AL57219, CL53161, CL53162, CL17527, CL17528, CL17529, and CL17530, representing seventy-five (75) shares of common no par value stock of the aforesaid Company, registered in the name of George Maetze, and presently in the custody of L. Beaumont Parks, 1519 Williamson Building, Cleveland 14, Ohio, together with all declared and unpaid dividends thereon, and any

and all rights to receive a new certificate for shares of \$10.00 par value stock of the aforesaid Company,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9824; Filed, Nov. 3, 1950;
8:49 a. m.]

[Vesting Order 15275]

ELSE POLLAK

In re: Stock owned by Else Pollak, F-28-31009-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Pollak, whose last known address is Hagerdornstrasse 44, Berlin, Johannisthal, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Three and four tenths (3.4) shares of \$10.00 par value common capital stock of Cities Service Company, 60 Wall Street, New York 5, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 80497 and 151937 registered in the name of Else Pollak, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9825; Filed, Nov. 3, 1950;
8:49 a. m.]

[Vesting Order 15282]

WILLIAM WERTHNER

In re: Securities and personal property owned by the personal representatives, heirs, next of kin, legatees and distributees of William Werthner, deceased. D-28-510-F-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of William Werthner, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. One (1) share of \$50.00 par value capital stock of The Pennsylvania Railroad Company, Broad Street Station Bldg., Philadelphia, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by a certificate numbered P629049, registered in the name of William Werthner, and presently in the custody of Corn Exchange Bank Trust Company, 13 William Street, New York, New York, together with all declared and unpaid dividends, thereon,

b. One (1) voting trust certificate for three (3) shares of \$1.00 par value capital stock of The Pennroad Corporation, Delaware Trust Bldg., Wilmington 28, Delaware, a corporation organized under the laws of the State of Delaware, evidenced by a certificate numbered 452014, registered in the name of William Werthner, and presently in the custody

of Corn Exchange Bank Trust Company, 13 William Street, New York, and any and all rights thereunder and thereto, and

c. Personal property as follows:

One (1) gentlemens watch (Waltham).
One (1) signet ring.
Eighteen (18) pieces miscellaneous jewelry.

said personal property presently in the custody of Corn Exchange Bank and Trust Company, 13 William Street, New York.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of kin, legatees and distributees of William Werthner, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs next of kin, legatees and distributees of William Werthner, deceased are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 18, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9826; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15286]

JACQUIER & SECURIUS

In re: Bonds owned by Jacquier & Securius. F-28-22223-D-1; A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Jacquier & Securius, the last known address of which is An der Stechbahn 3-4, Berlin C. 2, Germany, is a partnership, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany and is a national

of a designated enemy country (Germany);

2. That the property described as follows: Three (3) National Railroad Company of Mexico, Prior Lien 4½ % Bonds due October 1, 1926, of \$500.00 face value each, bearing Certificate Numbers D18988, 19450, 19499, presently in custody of Hallgarten & Company, 44 Wall Street, New York 6, New York, together with any and all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9827; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15299]

FERDINAND KAESTNER

In re: Trust u/w of Ferdinand Kaestner. File No. F-28-4915; E. T. sec. 6930.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Sieckel, Richard Sieckel, Fritz Sieckel and Hetwig Saerfert, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the trust created under paragraphs third and fourth of the will of Ferdinand Kaestner, deceased, is property payable or deliverable to, or

claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Hilda M. Kaestner, as trustee, acting under the judicial supervision of the Superior Court, San Diego County, California;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9828; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15334]

ELLA ERNA WETSTEIN

In re: Rights of Ella Erna Wetstein under insurance contract. File No. F 28-24657 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ella Erna Wetstein, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 98 897 348 issued by the Metropolitan Life Insurance Company, New York, New York, to Ella Erna Wetstein, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States

requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9829; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15335]

BERTHA M. WOLF (WOLFF) ET AL.

In re: Rights of Bertha M. Wolf (Wolff) et al. under insurance contract. File No. F-28-7969-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Bertha M. Wolf (Wolff), and Mrs. Charlotte Simon, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann B. Wolff, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 306,396, issued by the State Mutual Life Assurance Company, Worcester, Massachusetts, to Hermann B. Wolff, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof, and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Hermann B. Wolff, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9830; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15336]

MRS. MARTHA ZINCK

In re: Rights of Mrs. Martha Zinck under insurance contracts. Files No. F-28-26013-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Martha Zinck, who on or since the effective date of Executive Order 8389, as amended, and on or since December 11, 1941, has been a resident of Germany, is a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies No. 67,979,612 and 67,979,613 issued by The Prudential Insurance Company of America, Newark, New Jersey, to William C. Moeller, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That the national interest of the United States requires that the said Mrs. Martha Zinck be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 23, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9831; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15337]

MARIA BLATZ

In re: Rights of Maria Blatz under insurance contract. File No. F-28-24595-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Blatz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 90291805 issued by the Metropolitan Life Insurance Company, New York, New York, to Maria Blatz, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9832; Filed, Nov. 3, 1950;
8:50 a. m.]

No. 215—6

[Vesting Order 15338]

ERNST BUEHLER

In re: Rights of Ernst Buehler under insurance contract. File No. F-28-24588-H-1 and H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Buehler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 74667693 and 74667694 issued by the Metropolitan Life Insurance Company, New York, New York, to Ernest Buehler, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9833; Filed, Nov. 3, 1950;
8:50 a. m.]

[Vesting Order 15339]

DANIEL BRUNING

In re: Rights of Daniel Bruning under insurance contract. File No. F-28-24586-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Daniel Bruning, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 4649407 issued by The Prudential Insurance Company of America, Newark, New Jersey, to Daniel Bruning, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9834; Filed, Nov. 3, 1950;
8:51 a. m.]

[Vesting Order 15341]

EMILIE EXNER AND HEINRICH SCHLETTE

In re: Rights of Emilie Exner and Heinrich Schlette under insurance contract. File F-28-20179-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emilie Exner and Heinrich Schlette, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 730,693 issued by the Phoenix Mutual Life Insurance Company, Hartford, Connecticut, to Berta Zuber, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on

account of, or owing to, or which is evidence of ownership or control by Emilie Exner and Heinrich Schlette, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9835; Filed, Nov. 3, 1950;
8:51 a. m.]

[Vesting Order 15343]

HUGO GOEPFERT

In re: Rights of Hugo Goepfert under insurance contract. File No. F-28-24537-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hugo Goepfert, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 76231437 issued by the Metropolitan Life Insurance Company, New York, New York, to Hugo Goepfert, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9836; Filed, Nov. 3, 1950;
8:51 a. m.]

[Vesting Order 15344]

GEORGE HERMANN

In re: Rights of George Hermann under insurance contract. File No. F-28-30877-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That George Hermann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 98430507, issued by The Prudential Insurance Company of America, Newark, New Jersey, to George Hermann, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9837; Filed, Nov. 3, 1950;
8:51 a. m.]

[Vesting Order 15356]

HERMANN AND PAULINE SCHMOLL

In re: Rights of Hermann Schmoll and Pauline Schmoll under insurance contract. File No. F-28-24868-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hermann Schmoll and Pauline Schmoll, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 408716 issued by The Guardian Life Insurance Company of America, New York, New York, to Hermann Schmoll, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hermann Schmoll or Pauline Schmoll, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9838; Filed, Nov. 3, 1950;
8:51 a. m.]

[Vesting Order 15358]

LUDWIG STUTZ

In re: Rights of Ludwig Stutz, also known as Louis Stutz, under insurance contract. File No. F-28-24900-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ludwig Stutz, also known as Louis Stutz, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. P285 590, issued by The Great-West Life Assurance Company, Winnipeg, Manitoba, Canada, to Ludwig Stutz, also known as Louis Stutz, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices and legal reserves maintained in the United States);

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9839; Filed, Nov. 3, 1950; 8:51 a. m.]

[Vesting Order 15359]

MARGARET AND HANS VOJER

In re: Rights of Margaret Vojer and Hans Vojer, under insurance contract. File No. F-28-24674 H-1.

Under the authority of the Trading With the Enemy Act, as amended, Ex-

ecutive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margaret Vojer and Hans Vojer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 4219985 C, issued by the Metropolitan Life Insurance Company, New York, New York, to Margaret Vojer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Margaret Vojer or Hans Vojer, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9840; Filed, Nov. 3, 1950; 8:51 a. m.]

[Vesting Order 15360]

LINA WEBER

In re: Rights of the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Weber, deceased, under insurance contract. File No. F-28-24663-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Weber, deceased, who there is reasonable cause to believe are residents of

Germany, are nationals of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 6915 GLH-Serial 5304, issued by the Metropolitan Life Insurance Company, New York, New York, to Georg Weber, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Lina Weber, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 25, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9841; Filed, Nov. 3, 1950; 8:51 a. m.]

[Vesting Order 15368]

DOROTHEA KREBS ET AL.

In re: Real property and bank account owned by Dorothea Krebs and others. D-28-10225.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dorothea Krebs, Hermann Krebs and Eva Krebs, each of whose last known address is Dresden, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Ramm, deceased, and of Carl Ramm, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the County of Richmond, City and State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property.

b. That certain debt or other obligations of National City Bank, 26 Broadway, New York, New York, arising out of the compound interest account entitled Estate of Alfred George Ramm, Rudolf Bellmann, Executor, maintained at the aforesaid bank,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the persons referred to in subparagraph 2 hereof, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Parcel 1. All those four certain lots, pieces, or parcels of land, situate, lying and being in the fourth ward of Borough of Richmond, County of Richmond, City and State of New York, which upon a certain map filed in the Office of the Clerk of the County of Richmond on October 22, 1914 as Map Number 260 A, entitled "Map No. 2 of property belonging to the Potter and Decker Realty Co., Far Rockaway, New York, situate at Concord, 4th Ward, Borough of

Richmond, City of New York", dated September 14, 1914 made by Edgar M. North, City Surveyor, are known and designated by Lots Nos. 11, 12, 13 and 14 in Block 2.

Parcel 2. All those two certain lots, pieces or parcels of land, situate, lying and being in the fourth ward of Borough of Richmond, County of Richmond, City and State of New York, which upon a certain map filed in the Office of the Clerk of the County of Richmond on October 22, 1914 as Map Number 260 A, entitled "Map No. 2 of property belonging to the Potter and Decker Realty Co., Far Rockaway, New York, situate at Concord 4th Ward, Borough of Richmond, City of New York", dated September 14, 1914 made by Edgar M. North, City Surveyor, are known and designated by Lots Nos. 21 and 22 in Block 2.

[P. R. Doc. 50-9842; Filed, Nov. 3, 1950; 8:52 a. m.]

[Vesting Order 15369]

OTTO VON ROEHL

In re: Real property owned by Otto von Roehl. F-28-26448-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto von Roehl, whose last known address is Rüdesheimerplatz 81, Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Real property situated in the County of San Mateo, State of California, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that real property situated in the County of San Mateo, State of California, described as follows:

Lot Six-B (6-B) being the Southwesterly half (front and rear measurements) of Lot Six in Block Seven (7) as designated on the map entitled "Bay Shore Park, San Mateo County, California" filed for record December 22, 1926 in Volume 14 of Maps at pages 60, 61, and 62, San Mateo County Records.

[P. R. Doc. 50-9843; Filed, Nov. 3, 1950; 8:52 a. m.]

[Vesting Order 15371]

KARL WOLF ET AL.

In re: Real property owned by Karl Wolf, also known as Carl Wolf, and others. D-28-10234.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Karl Wolf, also known as Carl Wolf, whose last known address is Manteuffelstrasse 80, Berlin SO 36, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ernest Wolf, deceased, who, there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the property described as follows:

a. Real property situated in the Township of Hillsborough, County of Somerset, State of New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title, interest and claim of the said Karl Wolf, also known as Carl Wolf, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ernest Wolf, deceased, in and to all property insurance policies which insure the real property described in subparagraph 3-a hereof, and

c. That certain debt or other obligation owing to the person named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ernest Wolf, deceased, by James I. Bowers, 1 West Main Street, Somerville,

New Jersey, arising out of rents collected on the real property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same.

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof, and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Ernest Wolf, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 3-b and 3-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

All that certain tract or parcel of land and premises, hereinafter particularly described, situate, lying and being in the Township of Hillsborough in the County of Somerset and State of New Jersey, described as follows:

Beginning at a stake being a corner of Dennis Van Liew and thence along the line of the said Van Liew, North thirty-four degrees and thirty minutes East, five chains and forty links to near the middle of the Amwell Road; thence along said road, North fifty-five degrees and forty-five minutes West, one chain and eighty-five links to a stake for a corner; thence South thirty-four degrees and thirty minutes West, four chains and forty-four links to the line of said Van Liew's woodland; thence South fifty-seven degrees and thirty minutes East, one chain and eighty-six links to the place of beginning. Containing one acre of land more or less.

[F. R. Doc. 50-9945; Filed, Nov. 3, 1950; 8:52 a. m.]

[Vesting Order 15370]

HELENE VORBECK AND MARIE BRAUER

In re: Real property and a claim owned by Helene Vorbeck and another. F-28-30858-B-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Helene Vorbeck and Marie Brauer whose last known addresses are, respectively, Schwirnerstr. 42A, Güstrow, Germany, and S. O. 36 Reichenberger Str., Berlin, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property situated in Wharton County, State of Texas, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property, and

b. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by A. R. Benner, 206 Hutcheson Street, Houston, Texas, arising out of the net income by reason of the collection of rentals from the property described in subparagraph 2a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Real property situated in the County of Wharton, State of Texas, particularly described as follows:

First tract. 63 acres of land, of which 33 acres are out of the Northwest quarter of Section No. 1, S. A. & M. G. Ry. Co. Survey, on Sandy's Creek, and 30 acres out of the B. F. Alexander Pre-emption, lying adjacent to said Sec. 1, S. A. & M. G. Ry. Co. Survey, which said 63 acres of land is described by metes and bounds, as follows:

Beginning at a point in the NW line of the NW quarter of Section 1, which point is 2043.5 ft. N 45 deg. E from the W corner of the said NW quarter of Section 1;

Thence N 45 deg. E 1041.8 ft.;

Thence S 45 deg. E at 1469 ft. the NW line of the said Pre-emption at 2634 ft. the E corner of this tract;

Thence S 45 deg. W 982.3 ft.;

Thence S 55 deg. W 60.4 ft.;

Thence N 45 deg. W 2626.2 ft. to the place of the beginning and containing 63 acres of land.

Second tract. 63 acres of land, of which 13.3 acres are out of Section 1, S. A. & M. G. Ry. Co. Survey, and 23.9 acres out of Sec. 2, S. A. & M. G. Ry. Co. Survey, and 25.8 acres out of B. F. Alexander Pre-emption, and described by metes and bounds as follows:

Beginning at a point on the NW line of the NW quarter of Section 1, S. A. & M. G. Ry. Co. Survey, which point is 3085.3 ft. N 45 deg. E from the W corner of the said NW quarter of Section 1;

Thence N 45 deg. E at 385.8 ft. the N corner of Section 1 and the W corner of Section 2 at 1041.8 ft. the N corner of this tract;

Thence S 45 deg. E at 1649 ft. the NW line of the said Pre-emption at 2634 ft. the E corner of this tract;

Thence S 45 deg. W 1041.8 ft.;

Thence N 45 deg. W at 1165 ft. the NW line of the Pre-emption, at 2634 ft. the place of beginning and containing 63 acres of land.

[F. R. Doc. 50-9844; Filed, Nov. 3, 1950; 8:52 a. m.]

[Return Order 611]

BARONESS TANIA BLIXEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Baroness Tania Blixen, Rungstedlund, Rungsted Kyst, Denmark; Claim No. 42936; March 18, 1950 (15 F. R. 1590); property to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 4034 (9 F. R. 13781, November 17,

1944) relating to the works entitled "Seven Gothic Tales," "Out of Africa," and "Winter's Tales" (listed in Exhibit A of said vesting order) including royalties pertaining thereto in the amount of \$33,558.67.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9846; Filed, Nov. 3, 1950;
8:52 a. m.]

[Return Order 782]

MARIA ANNA RIEGLER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Maria Anna Riegler, Vienna, Austria; Claim No. 38914; September 27, 1950 (15 F. R. 6528); \$890.51 cash in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9847; Filed, Nov. 3, 1950;
8:53 a. m.]

[Return Order 783]

ALOISIA BRESKY AND JOSEFINE PUCHINGER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Aloisia Bresky and Josefine Puchinger, both of Vleppna, Austria; Claims Nos. 40911 & 40912; September 27, 1950 (15 F. R. 6528); \$2,129.72 cash in the Treasury of the United States; \$1,419.81 returnable to Aloisia Bresky; \$709.91 returnable to Josefine Puchinger. All right, title, interest and claim of Aloisia Bresky and Josefine Puchinger in and to the estate of Joseph Helus, deceased.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9848; Filed, Nov. 3, 1950;
8:53 a. m.]

[Return Order 784]

DOTT. MASSIMILIANO MASSA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Dott. Massimiliano Massa, Via Senato 20, Milano, Italy; Claim No. 37605; September 30, 1950 (15 F. R. 6623); \$1,685.92 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9849; Filed, Nov. 3, 1950;
8:53 a. m.]

[Return Order 785]

MARIE BERGEN

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein, and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published and Property

Marie Bergen, North Plainfield, N. J.; Claim No. 44787; September 30, 1950 (15 F. R. 6623); \$2,997.37 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9850; Filed, Nov. 3, 1950;
8:53 a. m.]

GASTON FLEISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Gaston Fleischer, 221 Park Avenue, New York City, N. Y.; Claim No. 31606; property described in Vesting Order No. 686 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,087,885.

Executed at Washington, D. C., on October 30, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 50-9851; Filed, Nov. 3, 1950;
8:53 a. m.]